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SESSIONAL WORKING GROUP ON THE IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

SUMMARY RECORD OF THE 1st MEETING

Held at Headquarters, New York,
on Tuesday, 14 April 1981, at 11.50 p.m.

Temporary Chairman: Mr. BHATT (Nepal)

Chairman: Mr. JOHNSON (Ecuador)

CONTENTS

Election of officers

Organization of work

Consideration of reports submitted in accordance with Council resolution 1988 (LX) by States parties to the Covenant concerning rights covered by articles 6-9

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The meeting was called to order at 11.50 a.m.

ELECTION OF OFFICERS

1. The TEMPORARY CHAIRMAN invited the members of the Working Group to elect the Chairman.

2. Mr. Johnson (Ecuador) was elected Chairman by acclamation.

3. Mr. Johnson (Ecuador) took the chair.

4. The CHAIRMAN invited the members of the Working Group to elect three Vice-Chairmen.

5. Mr. Dia (Senegal), Mr. Kords (German Democratic Republic) and Mrs. Jiménez Butragueño (Spain) were elected Vice-Chairmen by acclamation.

6. The CHAIRMAN said he hoped that the Asian Group would soon reach agreement on its candidate for the post of Rapporteur, so the Working Group could take a decision on the matter as soon as possible.

ORGANIZATION OF WORK

7. The CHAIRMAN drew attention to changes made at the initiative of the delegations of Austria, Norway and the United Kingdom in the schedule for the Working Group's consideration of reports by States parties (E/1981/WG.1/L.1).

8. Mr. SIAGE (Observer for the Syrian Arab Republic) requested a deferral of the working group's consideration of the Syrian report on articles 6 to 9 of the Covenant (E/1978/8/Add.25) so as to allow time for comments from the Ministry of Labour to be translated from Arabic and distributed to the members of the Group.

9. The CHAIRMAN suggested that consideration of the report from the Syrian Arab Republic should be postponed until 1982.

10. It was so decided.

11. Mr. LAGOS (Observer for Chile) asked whether his country's report could be taken up on a different day from that scheduled.

12. The CHAIRMAN said that if the Chilean delegation could arrange informally with another delegation to switch places in the time-table for the consideration of reports, he would announce the change to the Working Group. Otherwise, the Group could decide to wait until its following session before taking up the Chilean report. On that understanding, he suggested that the Group should accept the proposals regarding the organization of its work set forth in document E/1981/WG.1/L.1.

13. It was so decided.

CONSIDERATION OF REPORTS SUBMITTED IN ACCORDANCE WITH COUNCIL RESOLUTION 1988 (LX) BY STATES PARTIES TO THE COVENANT CONCERNING RIGHTS COVERED BY ARTICLES 6-9 OF THE COVENANT

Report of Czechoslovakia (E/1978/8/Add.18)

14. Mr. KUNZ (Observer for Czechoslovakia), introducing his Government's report, said that Czechoslovakia believed economic, social and cultural rights to be closely linked to civil and political rights; all such rights could be effectively protected only in conditions of peace, international co-operation, developing détente, respect for the sovereign independence and territorial integrity of States, and adherence to the principle of non-interference in their internal affairs. It was in the nature of the Czechoslovak State to uphold the power and rights of the working people, particularly the rights dealt with in the Covenant, practically all of which had already been established by the Constitution or other federal laws before the country's ratification of the Covenant. In many cases, moreover, the protection afforded was wider than that required by the Covenant.

15. The fundamental rights of the citizen were set out in chapter 2 of the Constitution. It was the view of the Czechoslovak State that the rights and duties of the individual should serve both the free and complete expression of the individual's personality and the strengthening and development of socialist society. Accordingly, work was regarded as a fundamental criterion for the enjoyment of individual rights: an individual's output had a determining effect on his material position in a society in which everybody had the same rights and duties. One of the goals of the State was to bring about conformity between the interests of the individual and the society in which he lived.

16. Czechoslovakia's attitude towards national self-determination was set out in chapter 1 of its Constitution and Constitutional Act No. 143/1968. Non-discrimination was a cardinal principle of the legal system; under chapter 2, section 20 of the Constitution, all citizens enjoyed equal rights and equal duties irrespective of their nationality or race. The constitutional ban on discrimination was exemplary: discrimination on any grounds whatsoever was inadmissible.

17. The country's policy towards foreigners and aliens was set out in article 32 of Constitutional Act No. 97/1963 on civil, family, labour and other relations. Foreigners were guaranteed all the rights enjoyed by Czechoslovak citizens, and that entitlement was not made conditional on reciprocity except in the case of copyright and patent rights. Section 27 of the Constitution guaranteed women equal status with men in the family, at work and in public life. A further explicit statement of women's equal status could be found in section 20, subsection 3 of the Constitution, as well as in the Family Code (Act No. 94/1963) and the Labour Code (Act No. 65/1965). The Labour Code guaranteed women the right to working conditions in keeping with their physiological capacity and their social functions of childbearing and child care.

18. No State organ was empowered by the Constitution to impose even temporary

(Mr. Kunz)

limitations on the fundamental rights of any citizen for any reason. There was no provision for declaring a state of emergency with concomitant impingements on the rights dealt with by the Covenant. A degree of co-operation might be required in cases associated with national defence, natural disasters or the like, but even then individual rights could not be restricted.

19. Since the preparation of the report further legislation had been enacted with the effect of increasing social security and sickness benefits for mothers with children under two years of age, requiring comparable alternative employment to be found for persons obliged to quit their current posts on account of reorganization, increasing old age pensions and child allowances (payable to parents, foster parents or any other person with children to look after), setting out vacation entitlements and responsibilities of persons working on co-operative farms, and laying down new provisions in connexion with the State Plan of Development of the National Economy for the period 1981-1985. Those advances were amply borne out by figures announced at the sixteenth congress of the Czechoslovak Communist Party by the First Secretary of the Party.

20. Mrs. JIMENEZ BUTRAGUEÑO (Spain) said she would welcome additional information regarding education grants and children's allowances in Czechoslovakia.

21. Like Spain, Czechoslovakia had ratified ILO Convention No. 89 concerning night work of women. Problems had arisen in Spain in that regard since the new Constitution provided for the complete equality of the two sexes, while the Convention prohibited night work of women. The solution adopted in Spain was to permit night work of women in the service sector, while continuing to prohibit it in industry. That approach seemed to her somewhat arbitrary, and she sought information concerning the practice in Czechoslovakia.

22. She asked whether psychiatric treatment was covered under the social security system and whether old-age homes existed for elderly persons who had no family to look after them.

23. Mr. KURDS (German Democratic Republic) said that it was clear from the report and the introductory remarks by the Observer for Czechoslovakia that the rights provided for under the Covenant were safeguarded in Czechoslovakia as a matter of course. He requested additional information regarding social security benefits provided for old-age pensioners.

24. Mr. ABDUL-AZIZ (Libyan Arab Jamahiriya) asked whether the reference to "securing jobs and working conditions to disabled persons" in the fifth paragraph of the report meant that the right to work of disabled persons was guaranteed by law. That was especially relevant in the light of the theme of the International Year of Disabled Persons, which was "full participation and equality".

25. Mrs. BOSHKOVA (Bulgaria) requested further information regarding working hours and measures that might be taken to improve the prevailing conditions.

26. Mr. SVERRE (Norway) said that the report of Czechoslovakia showed that there were extensive constitutional and legislative provisions relating to the rights covered by the Covenant. However, the Working Group was also interested in information about how legal provisions were applied and how the social system worked in practice.

27. It was indicated in the report that Czechoslovakia was bound by ILO Conventions Nos. 87 and 98, and that there was currently only one trade union organization in the country. He asked whether it was possible for new trade unions to be established, what the responsibilities of the existing trade union organization were and whether it negotiated wages and working conditions, for example, with the Government, State authorities or employers. He asked for clarification of the statement in the report that the consent of a State authority was not needed for the establishment of a trade union.

28. Additional information regarding the existence of the right to strike would be appreciated. He wished to know, in particular, whether, in fact, strikes occurred in Czechoslovakia, whether there was a system of arbitration in the event of a strike and under what conditions a strike would be permissible.

29. Mr. BORCHARD (Federal Republic of Germany) asked what role the trade unions played in the determination of wages and salaries, who negotiated the collective agreements referred to in the report and whether wage regulations were reviewed on a regular basis. He also asked whether all workers were members of the single trade union organization (ROH) and whether it was a unitary organization or organized along trade lines. He requested information regarding relations between ROH and the Government.

The meeting rose at 12.35 p.m.

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SESSIONAL WORKING GROUP ON THE IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

SUMMARY RECORD OF THE 2nd MEETING

Held at Headquarters, New York,
on Tuesday, 14 April 1981, at 3 p.m.

Chairman: Mr. DIA (Senegal)

later: Mr. JOHNSON (Ecuador)

CONTENTS

Consideration of reports submitted in accordance with Council resolution 1988 (LX) by States Parties to the Covenant concerning rights covered by articles 6-9 (continued)

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Any corrections to the records of the meetings of this session, will be consolidated in a single corrigendum to be issued shortly after the end of the session.

The meeting was called to order at 3.15 p.m.

CONSIDERATION OF REPORTS SUBMITTED IN ACCORDANCE WITH COUNCIL RESOLUTION 1988 (LX) BY STATES PARTIES TO THE COVENANT CONCERNING RIGHTS COVERED BY ARTICLES 6-9 (continued)

Report of Czechoslovakia (E/1978/8/Add.18) (continued)

1. Mr. SOFINSKY (Union of Soviet Socialist Republics) congratulated Mr. Kunz on his excellent statement and on the situation as reported in his country, Czechoslovakia. Mr. Kunz had given the Working Group a detailed account of the constitutional and legislative provisions in force and a great deal of factual data showing that the articles of the Covenant were being effectively implemented. His report reflected his Government's achievements in respect of social conditions as a whole and human rights in particular. The many questions put to him indicated the great interest of the members of the Working Group.

2. There had been a number of important events in Czechoslovakia since 1978, when the report had been published. In particular, the Czechoslovak Communist Party had held its Congress, an event which in socialist countries always made an important contribution to legislative activity and to the practical aspects of everyday life. To supplement the information in the report, he therefore asked for an account of the means available for the settlement of labour disputes and of the relationship between Czechoslovak domestic legislation and international law as expressed in the Covenant.

2A. Mr. MAYCOCK (Barbados) also congratulated Mr. Kunz on his excellent presentation. There were two points on which he would like further details: the gradual shortening of working hours referred to on page 4 of the report, and the question of private economic activity mentioned in two paragraphs on page 3.

3. Mr. SAMSON (International Labour Organisation) said that the situation in Czechoslovakia with respect to the implementation of articles 6-9 of the Covenant had been considered by the ILO Committee of Experts on the Application of Conventions and Recommendations in 1979 and reported on in document E/1979/33, pages 56-61. Since the composition of the Working Group had changed substantially since the previous session, he thought it would be useful to review briefly the nature of the ILO's contribution to the work of the Working Group.

4. In resolution 1988 (LX), the Economic and Social Council had called on the specialized agencies to report to it on the progress made in achieving observance of the provisions of the Covenant. The ILO Governing Body had entrusted the task to its Committee of Experts on the Application of Conventions and Recommendations since that Committee was already exercising similar functions in respect of the implementation of the ILO's own instruments. For each country for which a report had been transmitted to the ILO, the Committee of Experts had tried to provide brief indications of the position of law and practice with respect to the articles under consideration, in so far as the matters came within the field of activity of the ILO.

5. Mr. SOFINSKY (Union of Soviet Socialist Republics), speaking on a point of order, said that the report of the ILO had not been received. He therefore questioned whether it was appropriate for the ILO representative to review its contents.

6. The CHAIRMAN recalled the decision taken at the 1980 session of the Working Group to give the floor to the representatives of the specialized agencies after the representatives of States which were members of the Group had presented their reports.

7. Mr. SOFINSKY (Union of Soviet Socialist Republics) drew attention to paragraph 11 of the report of the sessional Working Group for the previous year (E/1980/60). It was his understanding that the representatives of specialized agencies were to make general statements on matters relating to their field of competence and not to refer to reports submitted by Governments.

8. The CHAIRMAN noted that the representative of the ILO was explaining the position for the benefit of members not present in 1980.

9. Mr. SAMSON (International Labour Organisation) said that the report to which he had referred had been circulated to the Economic and Social Council, and had been before the Working Group at its last session as document E/1979/33. He would like to draw the Group's attention to some points that emerged from it and to certain developments that had occurred since its publication.

10. There had been a number of further ratifications by Czechoslovakia of ILO Conventions, including the Human Resources Development Convention of 1975, which was relevant to the implementation of the right to work, and the Benzine Convention of 1971, relevant to working conditions. Since 1979, the ILO Committee of Experts had also re-examined the position with regard to the application of several of the Conventions mentioned in the Czechoslovak report.

11. In connexion with article 6 of the Covenant, the ILO Committee had noted in 1980 that various measures that had been intended to ensure legislative conformity with the Forced Labour Convention were still under consideration. With regard to the Discrimination (Employment and Occupation) Convention, the Committee had requested the Czechoslovak Government to provide more detailed information in 1981 on the measures taken to specify the conditions governing the interpretation and application of the legislation in a manner in conformity with the Convention.

12. Mr. SOFINSKY (Union of Soviet Socialist Republics) objected that the representative of the ILO was not making a general statement but was commenting on a report submitted by a Government.

13. The CHAIRMAN said that the question had been discussed at some length at the previous session and an understanding had been reached after informal consultations. He hoped that the representative of the Soviet Union would not press his objection.

14. Mr. SAMSON (International Labour Organisation) said that although the 1981 report of the ILO Committee of Experts had not yet been published, copies had

(Mr. Samson, ILO)

been sent to the Government concerned and a copy had been given to the Czechoslovak observer present.

15. Two other articles of the Covenant had also raised questions requiring clarification. With regard to article 7, the Committee had felt that the criteria and procedures for decisions on promotions in employment, and the provisions regarding hours of work and rest of workers not covered by the Labour Code, particularly members of co-operatives, could usefully be clarified. Under article 8, the ILO report mentioned several issues which had been noted in connexion with the ILO's Conventions on Freedom of Association: the possibility for workers to establish organizations of their own choosing capable of carrying on trade union activities independently of the existing trade union movements, and independently of the Communist Party, and the possibility for members of collective farms to establish trade unions. The Committee of Experts had re-examined those matters in 1981, on the basis of the Government's latest report, and, in the absence of any change in the situation, had reiterated its comments.

16. Mr. KUNZ (Observer, Czechoslovakia) said that the many useful questions that had been asked, in respect not only of legislation but also of practice, would contribute to a climate of mutual understanding.

17. In reply to the questions put by the representative of Spain, he said that workers received not only wages but bonuses, various kinds of tax reductions, and children's allowances. Students received two kinds of financial support: when they lived with their parents, the parents received a children's allowance and the students received bonuses for scholastic achievement. Students who lived alone or had no parents received allowances of 500 crowns a month and similar bonuses for achievement. If two students were married, both received the allowances. All bonuses and allowances were paid out of State funds and there was no tuition charge. Approximately 45 per cent of students received study bonuses. Support to families took the form of tax cuts and children's allowances: a wife who was not employed, for example, received 500 crowns for the first child, 800 crowns for two children, and so on. All medical care was free. Night work was permitted for women over 18 in exceptional circumstances, where perishable products needed to be processed, or if the woman performed executive or managerial functions affecting the public. In Czechoslovakia many top managerial functions were carried out by women.

18. Health treatment included psychiatric care, and that too was paid for by the State. A person could only be committed to an asylum without his consent after the appointment of a guardian, by decision of a committee of three doctors and with the consent of the courts. Elderly persons who had been employed were eligible for pensions, widows could collect the pensions of their deceased husbands, and persons who had never been employed were entitled to a basic pension of between 300 and 500 crowns. There were 440 special homes for the elderly disabled, with more under construction. Elderly couples were able to live together in such homes. If they had the means, they contributed to the cost, or else their children, who were obligated under law to provide for their parents, paid if they could; otherwise the State covered all costs. There was also a network of home care services for the elderly, such as meals and visits, and opportunities for recreation and social life in the form of clubs and canteens.

(Mr. Kunz, Observer, Czechoslovakia)

19. The representative of the German Democratic Republic had inquired about old-age pensions. The eligibility requirements for old age pensions were described on page 12 of the report. However, nobody could be compelled to retire at the age of eligibility unless it could be proved he was incapable of further work. The pensions of persons who continued to work after reaching the eligibility age were increased by 7 per cent per annum. The old-age pensions of women included provision for childcare, which applied to adopted or foster children as well. Workers whose working capacity declined for reasons of health received help in obtaining suitable employment and also a disability pension. Widows over the age of 50 were entitled to their husbands' full pensions, while those under 50 received the pension for one year. There were also orphans' benefits and education allowances.

20. In reply to a question from the representative of the Libyan Arab Jamahiriya, about equality of status for disabled persons, he said that persons whose working capacity was impaired by poor health were entitled to free rehabilitation and to work opportunities in special conditions. There were special training schools for those with impaired vision, and a disabled person could not be refused employment if the National Committee recommended that an enterprise employ him, unless it could prove that he was unable to do the work. There were special co-operatives for disabled persons and special loans for training them, as well as a number of State organizations providing services for the disabled.

21. In reply to the question on working hours, he said that article 83 of the Labour Code provided that a worker should work no more than 46 hours a week. With lunch and recreation breaks, however, most people actually worked only 42 1/2 hours. One of the conclusions of the Sixteenth Congress of the Communist Party had been that measures should be taken to reduce working hours without reducing salary levels.

22. In connexion with the question on article 8 of the Covenant dealing with trade unions and the right to strike, he said that Czechoslovakia was bound by ILO Convention No. 87. No one was prevented from establishing a trade union and no State registration or permission was required. Trade unions other than the Revolutionary Trade Unions expressly mentioned in the Constitution and other legislation enjoyed the same status as other organizations under paragraphs 94-107 of the Economic Code and article 10 of the ILO Convention. There were currently about 80 organizations which met the requirements set forth in paragraph 2 of the Convention, including unions of doctors, lawyers and co-operative farmers. While the right to strike was not expressly provided for in the Constitution, neither was it prohibited. The right did exist, but in practice it was rarely exercised, since there were other, more effective ways of attaining the workers' goals.

23. Replying to the question on the membership of the Revolutionary Trade Unions, he said it had a central governing body and was made up of separate Czech and Slovak unions and other unions based on location and profession.

24. The contracts concluded by trade unions in collective bargaining contained

(Mr. Kunz, Observer, Czechoslovakia)

provisions on minimum wages, which ranged from 2,000 to 3,500 crowns, depending on the quality and importance of the work. There were also small or large bonuses for especially fast and high-quality work. Salaries were determined by specific contracts, although the law established the general guidelines.

25. With regard to the question on social care and recreation, he said that through collective contracts, the unions and the directors of enterprises decided on the facilities to be made available to workers. Examples of such facilities were paid recreation at spas and special schools for improving the worker's skills.

26. Replying to other questions by members of the Working Group, he pointed out that while all Czechoslovak citizens were not members of trade unions, those who were not were granted the basic rights provided by law. Any individual worker, like any citizen, could voice his opposition to labour regulations through trade union discussions. He could also address a written complaint to his deputy, the Federal Assembly, the Party organization or the press. Labour disputes were decided by arbitration commissions set up by the trade unions. If one party was not satisfied, he could appeal to the court and, if still not satisfied, take the case to the regional court, whose decisions were usually final. If he still felt that the law had been infringed, he could file a complaint and, if even then he was not satisfied and discovered new evidence in the case, he could ask for a rehearing, address a Commission on people's control at the district, regional or State level, or file a complaint with the President of the Republic. It was also possible to sue for damages caused by an improper decision of the State organ or court.

27. Czechoslovakia had ratified the Covenant on the understanding that all Czechoslovak legislation should reflect the rights it contained. On many of those rights, for example, the wording of Czechoslovak legislation was the same as that of the Covenant.

28. One of the objectives in Czechoslovakia was to reduce the number of working hours without reducing salaries. In fact, practice was anticipating the necessary legislation. For example, scientific workers were required to be at their place of work only eight hours per week, as long as they produced the required results. Private economic activity was allowed under the Constitution, as long as it did not involve exploitation of others. In reality, however, private enterprises, as such, did not exist.

29. He expressed appreciation for the opportunity to speak before the Working Group, and said that his Government favoured the broadest participation of States in international covenants. Fulfilment of the obligations entered into under those covenants would continue to constitute an important factor in the work of promoting respect for human rights and fundamental freedoms.

30. Mr. JOHNSON (Ecuador) took the chair.

31. The CHAIRMAN said that, if he heard no objection, he would take it that the Working Group had completed its consideration of document E/1978/8/Add.18.

32. It was so decided.

33. Mr. SOFINSKY (Union of Soviet Socialist Republics), referring to the statement by the representative of the ILO, said that his delegation had been prepared to abide by the agreement reached the previous year regarding statements by representatives of specialized agencies. However, that agreement should be strictly adhered to, and his delegation had been disappointed to note that the representative of the ILO had failed to do so. In accordance with the Covenant, the relevant ECOSOC resolutions and the agreement, representatives of specialized agencies could not ask direct questions of representatives of States having submitted reports, or comment in any other way on the reports. Since the specialized agencies did not ratify the international Covenants, they should not be permitted to comment on their implementation. Statements by representatives of specialized agencies should be made in the same spirit as that of the FAO report, document E/1981/22, which was truly general in its approach.

34. Mr. DIA (Senegal) said he wished to clarify his ruling while serving as Chairman during the statement by the representative of ILO. During many meetings of the Working Group in 1980, representatives of specialized agencies had spoken in detail on the matters under consideration. To reverse that practice now would not be fair to States which had submitted their reports in 1980 and had had to answer direct questions from representatives of specialized agencies. Furthermore, since the Working Group was not made up of experts on many of the relevant matters, it could benefit greatly by hearing the contributions of experts from the specialized agencies. His delegation hoped that the Soviet delegation would waive its objections concerning the matter.

35. The CHAIRMAN said that he, too, hoped the situation would not arise again. After extensive consultations the previous year, a compromise formula had been reached in order to allow the Working Group to make progress in its work. That formula should not be questioned.

Report of Madagascar (E/1978/8/Add.29)

36. Mr. RABETAFIKA (Observer, Madagascar), introducing the report, drew attention to three typographical errors in the French text.

37. The Malgasy State's concern for workers was expressed in its Constitution, which did not merely recognize the right to work, but also provided that in order to translate that right into a reality, "the State promotes the performance by each citizen of an activity in accordance with his qualifications". It also protected the worker against any discrimination on grounds of race, origin, religious belief, degree of education, wealth or sex. The Government's general policy was set out in the Charter of the Socialist Revolution, which stated that full employment is simultaneously a social need, a moral duty and an agent of economic development. The Charter of Socialist Enterprises provided that the worker must no longer be considered as a simple object or instrument of production ... he has an inalienable right to work and employment security, and furthermore, he has the right to enjoy the results and fruits of his labour and to share in the progress of the enterprise. Those fundamental rules were reflected in legislative texts relating to economic planning, the reform of the educational system and professional training.

(Mr. Rabetafika, Observer, Madagascar)

38. Although the Labour Code stressed the establishment of a dialogue and a balance between the employer and the worker with, if necessary, the assistance of the public authorities, it was viewed as a bulwark of workers' protection. Its aim was to safeguard the interests and freedom of choice of the worker with respect to labour contracts, prohibition of forced and compulsory labour, representation of workers in the formulation of collective agreements, trade union freedoms, arbitrary dismissal or unjustified breach of contract.

39. In addition to describing general labour policy, in connexion with article 6 in particular, the report referred to policies and techniques promoting steady development and full productive employment, with special reference to economic and social planning; measures taken to ensure the best possible organization of labour markets and employment services, to adapt the educational and vocational training system, and to protect workers against unemployment.

40. The report mentioned four elements designed to ensure just and favourable working conditions in conformity with article 7 of the Covenant. The principles of remuneration were equal salary for equal qualifications, work and output, establishment by the State of a minimum starting salary, freedom of the negotiators of work contracts, collective or establishment agreements to set salaries higher than the legal minimum and acceptance and application by the State of the principle of the involvement of workers in socialist enterprises. The second element was work security and hygiene, which involved the definition of criteria by a technical consultative committee established within the Ministry of Labour, and special rules for work done by children and women, taking account of their physical capacity. The third element was equal promotion opportunities. No discrimination was practised once the conditions of level, qualifications and seniority were met. The State had also encouraged equal promotion opportunities by creating a National Institute for the Promotion of Training and a National Worker's Education Centre and by organizing direct, professional competitive examinations for access to various levels and posts in public administration. The fourth element was relaxation, leisure, working hours and paid vacations. On those subjects, the report provided specific information taken from the Labour Code and the general legislation affecting workers, and stressed the treatment given to working women. It also indicated the numbers of the ILO Conventions to which the Democratic Republic of Madagascar had acceded.

41. In observance of the trade union rights covered in article 8 of the Covenant, all workers enjoyed the right to join the union of their choice. Employers were prohibited from taking into consideration membership in a trade union or involvement in trade union activity when making decisions concerning the hiring of workers, the progress and distribution of work, professional training, promotion, remuneration and social benefits, disciplinary measures or dismissal. Trade unions could form federations, join international trade union organizations and freely carry out their activities. The Labour Code recognized the right to strike and lock-out but they could not be exercised until conciliation and arbitration measures had been exhausted.

42. With respect to the right to social security mentioned in article 9, the report described the worker's right to medical coverage and to services from the

(Mr. Rabetafika, Observer, Madagascar)

social security institutions, which were responsible for handling workers' compensation, family allowances, occupational accidents and diseases.

43. Mr. SHAMMA (Jordan) asked the representative of Madagascar what was meant by the reference in the second paragraph on page 6 of his Government's report to the abolition of the salary scale and the establishment of a single salary zone.

44. Mr. KORDS (German Democratic Republic) observed that the measures taken by Madagascar to safeguard and implement the right to work were clear proof of the efficiency of that country's legal system. He would like to know, however, how the Government of Madagascar was implementing the Charter of the Malagasy Socialist Revolution referred to in the section on protection against unemployment and what success it was having in that connexion. He was also interested to hear about the role of women in employment and whether there were laws to ensure equality of women in all fields.

45. Mrs. JIMENEZ BUTRAGUEÑO (Spain) asked whether the National Institute for the Promotion of Training (INPF) referred to in the section on equality of opportunities for promotion worked in conjunction with Madagascar's universities or other institutions and what was its precise function.

46. Mr. SVERRE (Norway) asked what was meant by the statement in the third paragraph of the section on trade union rights to the effect that trade unions could form an association of whatever structure. He would also welcome more information on the various kinds of trade unions in Madagascar and on how broad the union spectrum was in that country.

47. Mr. BORCHARD (Federal Republic of Germany) said that he would welcome further information on over-all planning procedures and organization and on the implementation of those procedures. He also would like to know whether foreign assistance was an element in planning activities and, if so, whether it took the form of international, bilateral or multilateral co-operation. He would also like to know the future intentions of the Government of Madagascar with regard to foreign assistance.

48. Mr. SAMSON (International Labour Organisation) said that the ILO Committee of Experts on the Application of Conventions and Recommendations had considered the Madagascar report in March 1981. Its report thereon was contained in the annex to document E/1981/41, which unfortunately had become available only that day. Paragraph 14 of the Committee's report also commented briefly on the status of ratification of ILO conventions by Madagascar. Madagascar had ratified quite a number of key ILO conventions which were relevant to the implementation of the Covenant. For instance, with regard to the right to work, it had ratified the Employment Policy Convention, the Discrimination (Employment and Occupation) Convention and the forced Labour Convention. With regard to the first of those Conventions, the Committee had asked Madagascar about the effect on unemployment of its medium-term plan 1978-80 and about its measures to reduce urban unemployment. With regard to the second Convention, it had had no outstanding comments but in

(Mr. Samson, ILO)

1979 had noted that Madagascar had abolished certain restrictions on the access of women to senior civil service posts. With regard to the third Convention, it had had some questions regarding liability for national service of a military, economic or social nature and regarding the nature of development works carried out by local communities.

49. With regard to the right to just and favourable conditions of work, Madagascar had ratified several relevant ILO conventions. The Committee still had some outstanding questions on the supplementing of safety standards, however, and had asked Madagascar to define inspection powers and increase inspections. Madagascar had ratified conventions on rest, hours of work and holidays with pay.

50. With regard to trade union rights, Madagascar had ratified the Right of Association (Agriculture) Convention and the Freedom of Association and Protection of the Right to Organise Convention. The Committee had requested more information on Madagascar's legislation governing the trade union rights of workers in the merchant marine, which were not covered by the Labour Code.

51. With regard to the right to social security, Madagascar had ratified a number of ILO conventions. In connexion with the social security rights of foreigners in Madagascar, the Committee had asked for more information on the conclusion of agreements with other States parties to ILO Convention No. 118. In accordance with the guidelines drawn up by the United Nations Secretariat in conjunction with the specialized agencies, social security should provide protection in nine areas. So far, Madagascar's legislation did not cover all those areas, a normal situation when one considered the country's stage of development. Besides, the Covenant provided for the progressive implementation of the rights which it established.

52. Mr. RAKOTONDRAINY (Labour Inspector, Director of the Madagascar National Worker's Education Centre), responding to the question put by the representative of Jordan, explained that wage policy in Madagascar was a delicate issue, as a very complex system had been inherited from the colonial era. In colonial times, there had been eight salary zones in Madagascar. These had been gradually reduced so that there was now only one salary zone. With regard to salary scales, there was now a uniform minimum wage for all activities in the industrial and commercial sectors and another uniform minimum wage for the agricultural sector. A very wide range of salary scales had been inherited from colonial times, with the range of wages and salaries permissible above the minimum wage so great as to create enormous disparities and unfairness. The Government was now working to abolish those scales in order to bring the upper limit on salaries down to a much lower level.

53. With regard to the question put by the representative of the German Democratic Republic, in order to prevent the exodus of the rural population to the cities, a phenomenon which aggravated urban unemployment, the Government was now encouraging country people to stay in rural areas by increasing the value of agricultural produce. Thus, for instance, in 1970 a kilogramme of rice had cost 34 or 35 Malagasy francs while it now cost 65 francs. Such price increases were

an incentive to produce more and to stay on the land. Agrarian reform was also being carried out to enable all agricultural workers to acquire land. The urban unemployed could also acquire land if they so wished. Socialist co-operatives were also being established in rural areas to help keep young country people on the land.

54. Another source of unemployment was created by the tendency of enterprises to reduce their staff when costs rose. In order to prevent arbitrary dismissal, therefore, such staff reductions were allowed only with the prior authorization of the public authorities. Applications to reduce staff were referred to the Minister of the Economy and, if accepted, were then referred to the Minister of Labour who acted only on the advisory opinion of a national or regional committee which had investigated the matter fully.

55. Employment services or departments in all the main urban areas established manpower policy and took steps to combat unemployment. Data on unemployment and manpower were then centralized by the national employment office which attempted to redeploy labour and redistribute jobs among the various regions of the country with a view to reducing unemployment problems.

56. There was no discrimination in the employment of women. Under the Labour Code, no discrimination was allowed among people with the same job qualifications and performance, regardless of sex or any other distinction. Women's access to senior posts in the civil service had previously been restricted, but there was no such discrimination under the new General Civil Service Statute. On the other hand, certain privileges were accorded to women employees with a view to protecting motherhood. The Labour Code gave women the right to maternity leave for 8 weeks prior to confinement and 6 weeks following confinement, and forbade the employment of women for 2 weeks prior to confinement and 6 weeks afterwards. The 6-week post-natal period could be extended for medical reasons. Working mothers were also given half an hour in the morning and half an hour in the afternoon to nurse their infants until the latter reached 15 months of age.

57. With regard to the question put by the representative of Spain, the National Institute for the Promotion of Training (INPF) was a public establishment which received financial support from UNDP and the Government, with the International Labour Office acting as executing agency. The Institute's main functions were training and promotion. It trained young people who had left school without having acquired a skill, provided in-service training for workers and advanced and further education for all employees, including cadres, and took charge of young graduates for the first three to six months after they qualified, giving them practical experience so that employers would be more willing to employ them. The Institute provided training in a wide variety of fields such as administration and finance, human resources management, marketing, small and medium-size enterprises, production organization, machinery, mechanics and maintenance. It did not work directly with any university, but it frequently drew on the skills of universities when it required assistance in training. Similarly, it could draw on the skills of the Ministry of Labour. At the same time, it did outreach work to industrial and other firms to determine what kind of training would be useful to them and their employees. When such firms trained their own staff, they called on the Institute for advice.

(Mr. Rakotondrainy)

58. With regard to the questions put by Norway regarding trade union rights, he said that unions established in accordance with the provisions of the Labour Code could function freely and take whatever form they liked. The term "union" was used very broadly. It could mean a group of workers in the same or related professions who then affiliated themselves to a trade union in order to protect their interests at grassroots or regional, interregional or national level. At national level they might become part of a federation. Such unions had the same rights and obligations as actual trade unions. The term would also include employers' unions at any level. Any such union could also become affiliated to international trade unions.

59. There were many trade unions in Madagascar, but they could be divided into two main groups: independent trade unions which were free to exercise all the powers of professional trade unions but had no political affiliation; and trade unions affiliated to political parties or to trade unions which had such an affiliation. The latter had the same rights as independent trade unions but could also participate in the country's political life and in efforts in defence of the revolution.

60. In response to the question put by the Federal Republic of Germany, in 1977 the Government had enacted a law on the orientation and implementation of socialist planning. The philosophy underlying the country's planning system was democratic centralism. Information on the country's needs and ideas for possible projects were gathered at grass-roots level and local, regional and national plans were drawn up to respond to those needs. Local needs were referred to regional planning bodies and taken into account at the regional plans of the country's six provinces. Regional plans were in turn referred to the People's National Assembly, which adopted the country's national plan.

61. The system of socialist enterprises also helped the Government to direct a major part of the country's economy. Once the State owned 51 per cent or more of the shares in an enterprise, that enterprise became a socialist enterprise. State-run companies were also socialist enterprises. Each economic sector, which included the sectors of transportation, energy, the textile industry and agriculture, had a steering committee which directed the activities of the socialist enterprises in that sector. Workers also participated in management at enterprise level.

62. In accordance with article 32 of the law on the orientation and implementation of socialist planning, investments had to be financed by mobilizing national resources in accordance with the principle of self-reliance. Foreign investments in Madagascar could not exceed 25 per cent of total investment in any project at any time during the period 1978-2000. The country drew on international co-operation only where national resources proved inadequate. International co-operation was thus possible, but only in accordance with the law on the orientation and implementation of socialist planning. Some countries were financing investment projects under multilateral schemes involving UNDP and the World Bank. France, the Federal Republic of Germany, the Netherlands and Switzerland among others, were financing investment projects on a bilateral basis.

(Mr. Rakotondrainy)

63. In response to the comments made by the representative of the ILO, his Government hoped to reply to the ILO Committee's report as soon as possible. Regarding the matter of labour inspection in the agricultural sector, however, the Government did not yet differentiate between the industrial and commercial sectors and the agricultural sector. Labour inspectors were responsible for formulating policy on conditions of work in all those sectors, as it had proved difficult to recruit a sufficient number of inspectos to permit differentiation between the agricultural and other sectors. The Government was making every effort to implement the relevant ILO Convention, however, and was creating incentives to prevent corruption among labour inspectors and to encourage further recruitment.

64. The CHAIRMAN said that, if he heard no objections, he would take it that the Working Group had concluded its consideration of the report of Madagascar contained in document E/1978/8/Add.99.

65. It was so decided.

66. Mr. RABETAFIKA (Observer, Madagascar) observed that the comments and questions of the Working Group would help his delegation considerably when it came to present a report under the second stage. His country attached great importance to the implementation of economic, social and cultural rights, which formed an integral part of the Charter of the Malagasy Socialist Revolution.

67. Mr. AGBASI (Secretary of the Working Group) informed the members, pursuant to General Assembly resolution 33/35 that, at its session held from 14 to 25 April 1980, the Working Group had lost a total of 14.15 hours or almost six full meetings because it started its meetings late and finished early.

The meeting rose at 6.10 p.m.

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SESSIONAL WORKING GROUP ON THE IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

SUMMARY RECORD OF THE 3rd MEETING

Held at Headquarters, New York,
on Wednesday, 15 April 1981, at 10.30 a.m.

Chairman: Mr. JOHNSON (Ecuador)

CONTENTS

Election of officers (continued)

Consideration of reports submitted in accordance with Council resolution 1988 (LX) by States Parties to the Covenant concerning rights covered by articles 10 to 12

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The meeting was called to order at 10.35 a.m.

ELECTION OF OFFICERS (continued)

1. Mr. Satyabrata Pal (India) was elected Rapporteur by acclamation.

CONSIDERATION OF REPORTS SUBMITTED IN ACCORDANCE WITH COUNCIL RESOLUTION 1988 (LX) BY STATES PARTIES TO THE COVENANT CONCERNING RIGHTS COVERED BY ARTICLES 10 TO 12

Czechoslovakia (E/1980/6/Add.21)

2. At the invitation of the Chairman, Mr. Kunz (Czechoslovakia) took a place at the Committee table.

3. Mr. KUNZ (Observer for Czechoslovakia), in introducing his country's report concerning the rights covered by articles 10 to 12 of the Covenant, pointed out that the report had been prepared in accordance with the general guidelines for such reports and contained a survey of the relevant legal provisions, information on their content and other data requested. In Czechoslovakia, the right of peoples to self-determination and the exercise of all fundamental rights without discrimination of any kind were fully guaranteed, in accordance with articles 1 and 2 of the Covenant. In accordance with article 3 of the Covenant, the equal status of women was ensured in the family, at work and in public activity through the provision of special health care and the adjustment of working conditions during pregnancy and for mothers and through the development of ways of enabling women to use all their capabilities in the life of society.

4. The rights covered by articles 10 to 12 of the Covenant were in practice guaranteed to stateless persons in the same way as they were to citizens of Czechoslovakia, and foreigners were guaranteed the same treatment as citizens in civil, family, labour and other matters, without any stipulations concerning reciprocity. The report thus referred only to exceptional cases in which the implementation of the provisions of articles 10 to 12 were reserved for Czechoslovak citizens.

5. Even before his country had ratified the Covenant, Czechoslovak legislation and the establishment of a socialist society had created the material conditions necessary for the enjoyment of the rights covered by articles 10 to 12 to an even greater extent than was required under the Covenant.

6. Although no major changes had occurred in Czechoslovak legislation since the report had been prepared in October 1980, the Prime Minister of Czechoslovakia, at the Sixteenth Congress of the Czechoslovak Communist Party, had announced the programme for the further growth of the national economy, and of social services and health care. Accordingly, changes directed towards the further development and welfare of the people would surely be reflected in Czechoslovak legislation in future.

7. Referring to the provisions of article 10 of the Covenant, he drew attention to a typographical error in the fourth paragraph of the relevant part of the report (E/1980/6/Add.21), in which the words "The Civil Code" should read "The Labour Code".

(Mr. Kunz, Observer, Czechoslovakia)

8. With regard to the Family Code, he drew attention to the sixth paragraph on page 4 of the report and stressed that family life should be based on mutual understanding and affection between the spouses. Referring to the first paragraph on page 5 of the report concerning approval for marriage, he pointed out that the one exception to that provision arose in connexion with minors over the age of 16 who were pregnant, in which case permission might be granted and legal representatives must present their views.

9. Referring to the provisions concerning the granting of loans, which were described on pages 5 and 6 of the report, he drew attention to the special provisions for young married couples which enabled them to obtain as much as 300,000 koruna, payable within 30 years, from the State bank.

10. Clarifying the wording used in the second sentence of the second paragraph on page 7, he explained that, if a person misused a children's allowance, that person would no longer be entitled to receive such an allowance, but the child would still continue to receive it.

11. Referring to the provisions governing maternity protection described on pages 11 to 14 of the report, he stressed that all the relevant allowances and benefits were directed towards assisting mothers of small children, but they applied only to the needs of mothers living in the territory of Czechoslovakia.

12. As to the protection of children and young persons, he pointed out that under Czechoslovak law children born out of wedlock were treated the same as the children of married parents. He also drew attention to the special measures for mentally and physically handicapped children and to the special supervision of juvenile delinquents. In that connexion, he observed that the words "conditionally sentenced" in the second paragraph on page 20 should read "sentenced on probation".

13. Referring to the measures taken in connexion with the right to an adequate standard of living (art. 11 of the Covenant), he pointed out that, in his statement to the Sixteenth Congress of the Czechoslovak Communist Party, the Prime Minister had suggested that measures should be taken to increase the level of individual consumption by 7 per cent by 1985, compared with 1980.

14. As to the right to housing (pp. 30-33), he said that under the relevant laws a person could buy or rent a flat or house or construct a flat or house. He drew attention to the provisions governing the rental of flats on page 33 of the report.

15. In conclusion, he observed that the information concerning physical and mental health appearing on pages 35 to 40 of the report was presented from a statistical and medical point of view, the other aspects of that question having been dealt with at the Committee's meetings the previous day.

16. Mr. ABDUL-AZIZ (Libyan Arab Jamahiriya), referring to the first paragraph on page 5 of the report submitted by Czechoslovakia, asked whether the provisions concerning approval for marriage in Czechoslovakia in any way affected the

(Mr. Abdul-Aziz, Libyan Arab Jamahiriya)

application of the provisions of article 10, paragraph 1, of the Covenant. Referring to the statement made in the first paragraph on page 6 that all working people (irrespective of citizenship) could obtain a loan from their employing organization, he asked whether the families of migrant workers enjoyed the same rights as Czechoslovak families in that connexion.

17. In conclusion, he drew attention to the provisions governing taxation described in the last paragraph on page 8 of the report and observed that the particularly positive aspects of those provisions, for example the fact that the tax on wages was based on family payment capability, deserved further comment.

18. Mrs. JIMENEZ BUTRAGUEÑO (Spain), referring to the local organs of the State (national committees) and socialist organizations and schools which prepared young people for marriage (E/1980/6/Add.21, p. 5), requested additional information on the type of services provided, on how situations of conflict were handled and, in general, on the competence of the relevant bodies. In connexion with measures for the handicapped, she asked whether there were any centres for seriously handicapped adults, particularly those who were mentally disabled, and what experience had been acquired in that connexion.

19. Mr. KORDS (German Democratic Republic) also requested additional information about the protection of the family and about the services provided for young married couples, in particular the experience acquired by the relevant organs and the extent to which they were able to provide effective assistance and support for such couples. He also requested additional information concerning the nursing service, referred in the first paragraph on page 10 of the report.

20. Mr. SVERRE (Norway) asked to what extent unmarried couples, in other words those who had been living together in a stable relationship, enjoyed the same recognition and the same rights as married couples. He also asked whether unwed mothers enjoyed the same protection as married mothers. Referring to the last paragraph on page 36 of the report, in which it was stated that abortion was permitted under Czechoslovak law and that a district commission decided on each particular case, he requested additional information on the mandate, composition and procedures of such commissions and asked to what extent women had the right to decide such matters themselves.

21. Mrs. BOSHKOVA (Bulgaria) asked what measures had been taken to reduce the number of stillbirths in Czechoslovakia.

22. Mr. MILAMBU (Zaire), referring to the statement made by the Observer for Czechoslovakia that no distinction was made under Czechoslovak law between children born out of wedlock and those of married parents, asked whether that was also true in connexion with inheritance rights.

23. Mr. SHAMMA (Jordan), referring to the loans granted to young married couples to help them to acquire housing, asked what happened it, after two or three years, the payments on such a loan could not be met; he wondered whether the housing would be taken from them or the loan cancelled.

24. Mr. SOFINSKY (Union of Soviet Socialist Republics) praised the high quality and thoroughness of the report submitted by Czechoslovakia and pointed out that Czechoslovak legislation was fully in conformity with articles 10 to 12 of the Covenant. Czechoslovakia could be proud of its schievements in that field and of the richness of its body of laws. Until recently, even the laws of the Soviet Union had not been so detailed or advanced. However, two weeks previously, Soviet laws had been supplemented and were currently more complete than those of Czechoslovakia, particularly in connexion with paid and unpaid maternity leave. For example, since 1970, under Czechoslovak law women had been entitled to a maximum of 26 weeks of maternity leave. A few weeks previously, the Soviet Union had passed a law granting women 60 weeks of paid meternity leave. Since the representative of Czechoslovakia had indicated that women were entitled to nearly one year of such leave, he asked whether the report under consideration provided incorrect data or whether any changes had occurred since it had been prepared.

25. He requested additional details concerning the building of housing, since the protection of the family was of particular interest and since the rights of the family included the right to proper housing. The Constitution of the Soviet Union provided for that right, and he asked whether similar legislation existed in Czechoslovakia, particularly in connexion with private housing. He also requested additional information concerning the rights of children following the divorce of their parents.

26. Mr. PAL (India), referring to the third sentence of the sixth paragraph on page 4 of the report, pointed out that it was frequently very difficult objectively to determine whether or not a marriage fulfilled its social function. Accordingly, he asked what means were used to ensure the necessary objectivity. Referring to the protection of children (p. 14), he noted that, in certain Nordic countries, children were permitted to renounce or to "divorce" their parents, and he asked whether they could do the same in Czechoslovakia.

27. Mr. BORCHARD (Federal Republic of Germany), referring to the provisions governing the right to adequate food in accordance with article 11 of the Covenant, said that the many statistics contained in the report provided a good picture of national food supplies; however, he would welcome additional information concerning food imported from other countries, including the developing countries. Referring to the right to housing, he noted that very complete statistics had been provided in that connexion but he asked whether they were up to date. For example, the figures listed at the top of page 32 referred to the years 1961 to 1970; more-up-to-date figures would surely indicate further improvements. Lastly, he noted that abortion and the provisions governing it were dealt with in a vague manner in the report.

28. Mr. SENTICI (World Health Organization), introducing the report prepared by the World Health Organization (WHO) concerning rights covered by article 12 of the Covenant (E/1980/24), explained that that report was intended to supplement the information provided by States parties to the Covenant. WHO had no mechanism for collecting information on the progress made by States parties in implementing the Covenant's provisions. However, it did periodically publish information on the health status, policies and action taken by individual countries, but such data

(Mr. Sentici, WHO)

were obtained from the member countries themselves and, thus, the health authorities of those countries were fully responsible for their accuracy and comprehensiveness. Moreover, the publication of a separate WHO report on the measures taken by States parties to implement the provisions of the Covenant would duplicate the reports submitted by Governments themselves.

29. Since the adoption of the two International Covenants in 1966 the WHO conception of the right to health and the need to achieve that right had evolved considerably, as was illustrated by the decisions adopted by the World Health Assembly and by the Declaration of Alma Ata, which placed the right to the enjoyment of the highest attainable standard of physical and mental health in a new perspective.

30. In 1977, the World Health Assembly had set the main social target of ensuring that, by the year 2000, all people would have attained the level of health necessary to permit them to lead socially and economically productive lives. The WHO/UNICEF International Conference on Primary Health Care held at Alma Ata, USSR, in 1978 had declared primary health care to be the key to the attainment of that target. To that end, in 1979 the World Health Assembly had invited member States to act individually in formulating national policies and plans of action and collectively in formulating regional and global strategies. The elaboration of a large number of national plans and of regional strategies for the six WHO regions had led to the formulation of a draft global strategy, which was to be submitted to the forthcoming World Health Assembly in Geneva in May 1981. The draft Global Strategy for Health, based on the Alma Ata report and on the guiding principles issued by the WHO Executive Board, reflected national and regional strategies and also responded to General Assembly resolution 34/58, which reaffirmed the role of health as an integral part of development.

31. Mr. SARAF (Food and Agriculture Organization of the United Nations) introduced the report contained in document E/1980/22, which, he said, analysed in detail practically all the FAO programmes having a bearing on the rights covered by article 12 of the Covenant. FAO believed that the right to food was of paramount importance: people dying of starvation were little concerned about some of their other legal rights. It received requests from many developing countries for help in drawing up health and food legislation, particularly on reform of agrarian systems. It was not enough for developing countries to increase their food output unless the poorer sectors of society were able to obtain the food they needed. The question of food distribution was thus linked to the general problem of economic prosperity. Fairer distribution of income led to a fairer distribution of food. If the recommendations made by the World Conference on Agrarian Reform and Rural Development were to be properly followed, a major step towards the implementation of article 11 of the Covenant would have been taken. Unfortunately, in that and other areas, such as nutrition and education, only limited resources were available.

32. Food security was another related area. FAO had information indicating that during the period of poor harvests in 1973 and 1974, when many developing countries could not afford to purchase food from the world food stocks, food

(Mr. Saraf, FAO)

consumption in such countries had decreased. It had so far not been possible to make any progress towards a proper food security programme; he regarded that task as one of the biggest challenges confronting mankind.

33. Article 11 of the Covenant was not yet being complied with. Greater commitment to the eradication of hunger was required at the national level, and internationally far too few people realized the problems which poorer countries had to face. The United Nations system was doing its best to improve the situation, but there were simply not enough funds available to overcome all the obstacles.

34. Mr. SAMSON (International Labour Organisation) said that the ILO Committee of Experts on the Application of Conventions and Recommendations had considered reports relating to articles 10 to 12 of the Covenant at its meeting in March 1981 and its report had been circulated as document E/1981/41. The indications concerning Czechoslovakia appeared on pages 12 to 14 of the report.

35. In contrast to the first stages of the reporting programme, in which all the matters under consideration had fallen within its field of activity, ILO was concerned by only some of the questions dealt with in articles 10 to 12. In that connexion, he wished to draw attention to paragraphs 6 to 10 of the ILO report, in which the Committee of Experts had identified two questions as calling for particular attention by it, namely, maternity protection (art. 10, para. 2) and the employment of children and young persons (art. 10, para. 3).

36. With regard to maternity protection, it was of interest to note that in Czechoslovakia the provisions on maternity cash benefits applied to economically active women in general and that the provisions concerning maternity leave and protection of the health and interests of working women during pregnancy and after confinement, although contained in the Labour Code, were extended also to women members of production and agricultural co-operatives. He mentioned that point because it was one on which, in respect of certain other countries considered in the ILO report, it had been suggested that clarification would be desirable.

37. With regard to protection of children and young persons, it should be noted that Czechoslovakia had ratified a number of ILO conventions relating to those matters. The ILO report mentioned only one point on which additional information would be desirable. The legislation of Czechoslovakia established a minimum age for entry into an employment relationship, apprenticeship or membership of a co-operative. As work by children might take place outside such legal relationships, for example, in agricultural work, the ILO Committee of Experts had suggested that additional information would be desirable on any measures taken to regulate it. Similar points had been made for a number of countries considered in the ILO report.

38. Mr. KUNZ (Observer for Czechoslovakia), replying to the Libyan representative, said that while Czechoslovakia did not regard marriage as a primarily legal relationship, it evidently had legal consequences and was thus covered by legal provisions. The statement appearing in the report - that the conclusion of marriage

(Mr. Kunz, Observer, Czechoslovakia)

was in no case subject to the approval of other persons - did not mean that children were precluded from seeking the advice of their parents or other persons, or that persons other than the State official officiating at the marriage and the two witnesses were to be excluded from the marriage ceremony; it indicated simply that no such approval or attendance was required.

39. Migrant workers were entitled to apply for housing loans on exactly the same terms as Czechoslovak citizens, except that the interest they were required to pay on the loan would be slightly higher. The idea of the loans was to encourage young people to marry and raise families. Couples aged over 30 could also apply for loans but they would not be entitled to the preferential rate.

40. Tax liability was calculated on the basis of a person's age, income level and the number of dependent children. Old-age pensions were not taxable; nor were proceeds from the sale of property by invalids; and disabled parents received a tax reduction if their children lived with them.

41. The representative of Spain had asked about the marriage and pre-marriage advice bureaux. The bureaux, which were largely experimental still, could provide services to older people and help them to find partners, but their central task was to give young people an insight into married life and the problems they might face.

42. The arrangements for disabled persons normally took one of three forms. When a disabled person lived with and was provided for by his family, the family received allowances in the form of tax reductions and a bonus of between 300 and 800 koruna per month; if the disabled person was entirely unable to earn a living, he received a pension of between 1,200 and 1,800 koruna. If a disabled person lived in his own flat, a visiting nurse service was provided, and the nurses would shop, clean, and generally try to prevent the person from feeling like an outcast. The State paid the cost of such care if the disabled person did not have the means to do so himself.

43. As the report indicated, only 73 advice bureaux had been set up so far, but there were plans to increase that number and to extend the experiment to other advisory systems.

44. It happened sometimes that one or both parents were unable to care for their children themselves, whether because they were abroad or because they had suffered some kind of misfortune. In such cases the children could be put into foster care, or a children's home where all was provided for them. Some children, however, were unhappy in such surroundings, needing a parental figure to relate to, and for them Czechoslovakia had instituted villages where couples unable to have children of their own would each look after three or four children and evolve a kind of family unit. When the children grew up they would leave the "family", but the personal attachments they had developed there generally endured.

45. Czechoslovak law treated unmarried and married couples similarly in many respects, but not in the matter of housing loans, which were specifically designed

(Mr. Kunz, Observer, Czechoslovakia)

to encourage young people to get married and establish a family. No distinction was drawn between married and unmarried mothers, and an unmarried mother was entitled to all the standard child allowances and tax reductions. The rights normally enjoyed by a father would, as appropriate, revert to the mother: but Czechoslovak law demanded that the paternity of any child should be established, by the courts if necessary, and held the father responsible for his offspring's welfare whether married or not.

46. In general, abortion was a criminal offence in Czechoslovakia. In certain circumstances, however, the birth of a child could be undesirable or even dangerous, and then an abortion could be applied for, but only by the woman concerned. The application would be considered by a commission of local social care workers and lawyers, which had to take a number of other factors into account besides the woman's request: legal abortion was a means of protecting the pregnant woman and society, not an easy way out of an awkward situation. If, for instance, a woman applied for an abortion on the grounds that she and her husband were divorcing, the commission could not authorize an abortion until the divorce had come into legal effect.

47. Turning to the Bulgarian representative's question about the number of stillbirths, he said that that number had been steadily falling. Various preventive measures were in force. Before marriage, prospective spouses had to make a declaration that they were aware of the state of their health. Health could not be an absolute impediment to marriage, but the authorities could require either partner to have a medical examination before the marriage ceremony took place. Pregnant women were entitled to periodic medical examinations, and normally availed themselves of the opportunity, and most children were now born in maternity institutions which had the facilities to provide immediate help in the event of problems. Once a child was born, it was immediately registered with the proper medical institution, to which the mother was thereafter obliged to take it for periodic clinical examinations.

48. Children had the same rights of inheritance whether born in or out of wedlock. Under the Social Code, half of the estate of a deceased husband went to the wife, and the remainder was divided among all the deceased's children. That provision carried an implicit bias in favour of the wife over the mistress, but that was regarded as acceptable, since it was the wife who was the home-maker.

49. With regard to the question posed by the representative of Jordan as to what arrangements were made for repayment of a loan to a young couple if the marriage ended, he said that one of the spouses might assume the loan or the court might decide to impose repayment on either spouse. Another possibility was that a former spouse or widow, as the case might be, could ask the State bank to find another investor to assume the loan. Since there were many co-operatives, it was usually not difficult to find other interested investors. In the event of incapacity of both spouses, even if the marriage did not break up, the State would take over the loan payments until such time as the spouses were able to resume them. If neither spouse was able to do so, the State would assume the loan as well as ownership of the house, but the couple would still be entitled to live in it.

(Mr. Kunz, Observer, Czechoslovakia)

50. Turning to the questions posed by the representative of the Union of Soviet Socialist Republics, he said that the length of maternity leave was 26 weeks, but if a woman was expecting her second or third child, it would be extended to 35 weeks. Either the woman or her husband was entitled to ask the enterprise where she was employed to give her unpaid maternity leave up until the time the child was 2 years old, or if there were two or three children, until the child was 3 years old. If the mother took unpaid maternity leave, she received an allowance from the State of 500 koruna for the first child, 800 for the second child and so on; thus if she had three children, she would receive 2,500 koruna per month, which was the average wage of a working man in Czechoslovakia.

51. Replying to the question on housing, he said there were different ways to acquire a flat: the couple might ask the national committee for a flat and, when one became available, rent it; they might buy a flat or a house, thus acquiring ownership; or they might build a house, either as members of a co-operative or on an individual basis. If they chose to build through a co-operative, they could either pay a certain amount and eventually own the house or they could participate in the construction and pay less. The price was divided into three parts, one paid by the buyer, one by the State and one by the enterprise where the buyer was employed; if the buyer was not employed, the national committee assumed that portion of the price. Housing loans up to an amount of 300,000 koruna were available from the State bank, with repayment at 2 1/2 per cent interest over periods ranging from 5 to 30 years. If the house was to be built in a planned new locality, the interest rate was only 1 per cent. Another interesting aspect of housing arrangements in Czechoslovakia was the construction of houses for two generations, which were quite popular; three-generation houses were also being built.

52. Turning to the question of the protection of children after a divorce, he said that under the Family Code, a judge was not allowed to dissolve a marriage until a decision had been made regarding the care of the children. The courts were required to try to find out which parent was best suited to care for the children. As a rule, custody went to the mother, but in some cases it went to the father. The court also fixed the amount to be paid for the care of the children, on the basis of the other partner's earnings and financial commitments. The court also established the manner in which the parent not having custody would be allowed to continue communicating with the children.

53. The representative of India had asked how it was objectively determined that a marriage no longer fulfilled its social function. It was a principle of Czechoslovak law that the objective truth should be found out regardless of what the parties to a dispute said. That could, of course, be very difficult. Before opening a divorce proceeding, a judge addressed the local authorities concerned with social services, who tried to ascertain the situation with regard to the couple seeking a divorce. Statements would be taken from many different people, and witnesses would testify as to the behaviour of the parents. In special cases, and with all due caution, even a child might be asked about the home situation. Furthermore, a divorce was normally not granted without two hearings. If the couple had no children, they might be able to get a divorce after one hearing. If there were children, the procedure would be much more protective.

(Mr. Kunz, Observer, Czechoslovakia)

54. With regard to the question whether a child could be freed from parental powers, he said that if one or both parents were found to be abusing their powers, the court might, after a thorough study, deprive one or both of them of those powers. That might happen in the case of a parent who drank excessively or abused the children. In some cases, the parent might even be forbidden to have contact with the children. If the situation leading to the removal of parental powers ended, parental rights might be restored.

55. Turning to the questions raised by the representative of the Federal Republic of Germany, he acknowledged that the statistics contained in E/1980/6/Add.21 were not the most recent, but said that they would surely be updated. On the question of access to food supplies, he said that every individual had free access to such supplies, which came to market in the normal way. There was no discrimination in the distribution of food supplies.

56. With regard to the question of the composition of the commission which decided on abortion, he said that it was normally composed of two doctors, one jurist, and two social workers. In some cases, another person might also serve for example, if the woman seeking an abortion had a job that was dangerous to her health or involved excessive stress, someone familiar with that issue might also be asked to attend. From the administrative standpoint, the commission was established upon application by the woman. The commission invited the woman to undergo a medical examination and reached its decision after careful study of all the circumstances. The woman could file for a review of the decision, in which case the commission met again, but with a different chairman.

57. Mr. Kunz (Czechoslovakia) withdrew.

The meeting rose at 12.40 p.m.

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Economic and Social Council

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First regular session, 1981

SESSIONAL WORKING GROUP ON THE IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

SUMMARY RECORD OF THE 4th MEETING

Held at Headquarters, New York,
on Wednesday, 15 April 1981, at 3 p.m.

Chairman: Mr. JOHNSON (Ecuador)

CONTENTS

Consideration of reports submitted in accordance with Council resolution 1988 (LX) by States parties to the Covenant concerning rights covered by articles 10 to 12 (continued)

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Any corrections to the records of the meetings of this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

The meeting was called to order at 3.10 p.m.

CONSIDERATION OF REPORTS SUBMITTED IN ACCORDANCE WITH COUNCIL RESOLUTION 1988 (LX) BY STATES PARTIES TO THE COVENANT CONCERNING RIGHTS COVERED BY ARTICLES 10 TO 12 (continued)

Report of the Syrian Arab Republic (E/1980/6/Add.9)

At the invitation of the Chairman, Mr. Siage (Syrian Arab Republic) took a place at the Committee table.

1. Mr. SIAGE (Syrian Arab Republic), introducing the report of the Syrian Arab Republic concerning rights covered by articles 10 to 12 of the Covenant, observed that the Syrian Constitution was based on the principle of the attainment of economic and social freedom. It provided the widest possible protection and assistance to the family and recognized the right of all citizens to an adequate standard of living and to the highest attainable standard of physical and mental health.

2. According to principle 4 of the preamble to the Constitution, freedom was a sacred right and people's democracy was the ideal formula for guaranteeing the right of citizens to exercise that freedom and, as dignified human beings and useful members of society, to defend their homeland. Full freedom for Syrian citizens could be achieved only by economic and social freedom. Under article 20 of the Constitution, a system of private and mixed economic enterprises was designed to meet the country's economic needs, increase its income and ensure its people's welfare. Article 23 (4) provided for physical education to safeguard the physical and mental health of future generations.

3. His delegation had just received the report of the ILO Committee of Experts on the Application of Conventions and Recommendations and would be transmitting it to the Syrian Government for the additional information and clarification requested by the Committee.

4. Mrs. JIMENEZ BUTRAGUEÑO (Spain), referring to the section of the Syrian report on care for children, asked whether the Ministry of Social Affairs and Labour provided separate facilities and institutions for foundlings and for juvenile delinquents, and what particular problems Syria faced in dealing with juvenile delinquents. She would also like to know whether the physically and mentally handicapped were housed in separate institutions. With regard to the final paragraph of the Syrian report, she wished to know whether in providing health insurance to all citizens a distinction was made between the destitute and those who contributed to social security schemes.

5. Mr. SOFINSKY (Union of Soviet Socialist Republics) observed that the Syrian Government was obviously taking active steps to implement articles 10 to 12 of the Covenant. As a developing country, Syria clearly had to face a number of problems, many of them deriving from the political situation in the Middle East. He would welcome more information on the charitable association mentioned in the report which provided assistance to families.

6. Mr. ABDUL-AZIZ (Libyan Arab Jamahiriya) said that he would like to hear more about the new health insurance scheme, which was mentioned only briefly in the final paragraph of the Syrian report. Since the ILO Committee's report (E/1981/41) gave further information on the scheme, the representative of ILO might wish to provide the details.

7. Mr. KORDS (German Democratic Republic) said that he would welcome further information on any legal regulations which might have been enacted for the protection of children and young persons, for instance regulations restricting the number of hours worked by young persons.

8. Mr. SAMSON (International Labour Organisation) referred the Working Group to pages 32-34 of the report of the ILO Committee of Experts on the Application of Conventions and Recommendations (E/1981/41), which dealt with the Syrian Arab Republic. The Committee had concerned itself principally with two issues, maternity protection and the employment of children and young people, and its report was intended to supplement that of the Syrian Government.

9. With regard to maternity protection, the 1979 Health Insurance Act referred to in the final paragraph of the Government's report included the provision of health care during pregnancy and confinement. In its first stage, the health insurance scheme applied only to public officials, workers in public establishments and mixed enterprises, persons retired from such employment, and their dependants. The Committee had requested information on measures taken to extend maternity medical care under the scheme to women who were not yet covered.

10. The legislative provisions on maternity leave and payment of part wages during such leave were contained in the Syrian Labour Code and the Agricultural Labour Code, but did not apply to officials and employees in the public sector. The Committee had requested information on the provisions governing maternity leave and benefits for public officials and employees. The Labour Code also contained provisions to protect working women against employment in unhealthy or arduous work and against dismissal during maternity leave. The Committee had requested information on any similar measures in favour of women in the public sector and women agricultural workers.

11. With regard to the protection of children and young people, certain questions had arisen in the application of relevant ILO Conventions ratified by Syria. They included the establishment of more stringent standards for exposure of young people to radiation and more effective enforcement of legislation.

12. The Committee had also requested information about the prospect of raising the general minimum age for admission to employment and for leaving school in Syria, which was currently 12 years. It had suggested that steps be taken to raise the age at which manual transport of loads was permitted. Syrian legislation imposed limits on the weight of loads which might be carried by children between 12 and 17 years, but under ILO standards the minimum age for the manual transport of loads was 16 years. The Committee had also suggested that Syria should raise the age at which children were permitted to work at night. The age was now 15 years, while ILO standards provided for a minimum age of 18 years.

(Mr. Samson, ILO)

Finally, the Committee had suggested stricter regulation of hours of work of children and young people in agriculture; hours of work in that sector, including the hours of children and young people, could be as much as 60 hours a week for workers employed annually and as much as 54 hours a week for non-annual workers, with up to 12 hours a day in overtime and no maximum for persons tending animals.

13. The suggestions and questions put by the ILO Committee were intended to suggest points towards which the progressive implementation of the Covenant might be directed.

14. Mr. SOFINSKY (Union of Soviet Socialist Republics) reminded the representative of the ILO that, according to the agreement referred to at the Working Group's second meeting (E/1981/WG.1/SR.2), it was not appropriate from him to put questions to the representatives of States or to comment on the reports of Governments. His remarks should be confined to the agency's own contribution.

15. Mr. DOBBERT (Food and Agriculture Organization) introduced his agency's report to the Economic and Social Council under article 18 of the International Covenant on Economic, Social and Cultural Rights and paragraph 6 of Council resolution 1988 (LX) (E/1981/22). Since FAO did not engage in standard-setting activities as did the ILO, and had no monitoring machinery comparable to that of the other agency, the report was primarily descriptive and rarely referred to individual States or made any specific reference to country reports.

16. The FAO report dealt exclusively with progress in the implementation of article 11 of the Covenant, that is, with matters that fell within the constitutional functions and scope of activities of FAO. Apart from statistical and similar data showing the progress achieved in the eradicating hunger in the various regions of the world over the last 10 or 20 years, it consisted mainly of a description of major activities carried out within the framework of FAO, including relevant decisions of its governing bodies. Nevertheless, FAO hoped that it would be of assistance to the United Nations in assessing the progress made by the parties to the Covenant, individually and collectively, towards the implementation of the rights recognized in article 11.

17. Article 11 was the only article in the part of the Covenant setting forth specific rights to stress the "essential importance of international co-operation" as a means of ensuring the rights which it sought to guarantee. The Covenant thus recognized that, without international co-operation, many countries of the world would be unable to achieve full observance of the basic right to freedom from hunger. Under its constitution, FAO was the instrument through which its member nations took collective action to secure that freedom.

18. Another way in which the FAO report was intended to assist the United Nations was by illustrating the content of the right to freedom from hunger. Article 11.2 gave fairly comprehensive enumeration of the measures by which that right could be achieved, but it was worded in general terms. A more detailed indication of the measures that might be required was contained in the General Guidelines for the preparation of reports under articles 10 to 12 of the Covenant, prepared by the

(Mr. Dobbert, FAO)

United Nations with the collaboration of FAO and other organizations (E/1980/6). The FAO report took those Guidelines as a basis and described the kinds of measures that were being adopted in the context of article 11.

19. The report also sought to provide a broad framework for assessing the various measures referred to in the country reports. In respect of action at the national level, for example, some countries referred in their reports to progress in breeding new varieties of plants. The FAO report, while indicating the importance of such measures (paras. 26, 27 and 50), at the same time demonstrated the danger of an abuse of plant breeding techniques (para. 59). In connexion with measures at the international level, reference was made in several of the country reports to co-operation with the World Food Programme, jointly established by the United Nations and FAO. The FAO report contained an explanation of what that Programme was and what it did (paras. 84 to 86). It also gave information on some kinds of measures not referred to in the country reports, as well as on the nature of the assistance that could be provided to States within the framework of international co-operation.

20. The report's basic theme was set out in its first two paragraphs. The affirmation in the second paragraph that the present state of chronic malnutrition could be completely eliminated through the adoption of the measures set out in article 11.2 of the Covenant, and the effects of calamities considerably mitigated, was developed and substantiated in the body of the report. After reviewing the General Guidelines, the report covered each of the basic objectives set out in article 11.2; namely, the improvement of methods for the production, conservation and distribution of food. It sought to demonstrate, by referring to the extent of food losses, why the improvement of methods of conservation must be given equal importance with the improvement of production. At the same time, it stressed that improved production and conservation in many parts of the world would be rendered futile unless there were improved methods of distribution.

21. The report also dealt with each of the means set out in article 11.2 for obtaining those basic objectives. It described the progress achieved in making full use of technical and scientific knowledge, referred to progress in the dissemination of knowledge on the principles of nutrition, and placed considerable emphasis, in section II, on the awareness in several countries, of the need to develop or reform agrarian systems.

22. That awareness had been reflected in the Declaration of Principles and Programme of Action adopted by the 1979 World Conference on Agrarian Reform and Rural Development. The convening of that Conference had represented an unprecedented commitment on the part of the international community to the promotion of the economic and social development of rural populations. Emphasis was given in the basic principles set out in the Declaration to the need for the equitable distribution as well as the efficient use of land, water and other productive resources, and for the full particpation of rural people in policies and programmes affecting agrarian and rural systems.

(Mr. Dobbert, FAO)

23. Like some of the country reports, the FAO report also emphasized, in section V B, Measures to prevent degradation of natural resources, the need to work towards the objectives of the Covenant "in such a way as to achieve the most efficient development and utilization of natural resources".

24. In the context of article 11, paragraph 2 (b), the report dealt with a matter which had perhaps not received sufficient attention in the country reports: world food security. In section IX, International co-operation, and the latter part of section V, Food distribution, it described the arrangements being made, through the building up of national and regional food stocks, for example, to reduce vulnerability to the effects of calamities and assist those countries with chronic food shortages.

25. In recognizing freedom from hunger as a right, the Covenant made it clear that success in attaining that freedom depended essentially upon man himself - upon the individual, upon each nation and upon the community of nations. It followed that the success of FAO's own activities largely depended upon the adoption of appropriate policies by States at the national and international levels and the agency would therefore continue to co-operate fully with the United Nations in the implementation of article 11 of the Covenant.

26. Mr. SIAGE (Syrian Arab Republic), replying to the representative of the USSR, said that the charitable associations referred to in paragraphs 1 and 2 of section A of the report (E/1980/6/Add.9) were regulated by law. The assistance provided to large families included help in procuring training. In response to the representative of the German Democratic Republic, he noted that Syria was one of the few developing countries with free and compulsory education for children 6 to 12 years of age. In reply to the representative of the Libyan Arab Jamahiriya, he said that an ambitious health insurance programme had already been started, beginning with coverage for public officials and workers in public establishments and mixed enterprises. The ultimate aim was a comprehensive health programme covering all sectors of the population. He regretted that he would have to refer the questions asked by the representative of Spain to the competent authorities, who would answer her in due course.

27. The CHAIRMAN said that the Working Group had completed its consideration of the report by the Syrian Arab Republic concerning the rights covered by articles 10 to 12 of the Covenant

28. Mr. Siage (Syrian Arab Republic) withdrew.

29. Mr. SVERRE (Norway) felt that, in view of the agencies' expertise, the substantive interventions of the representatives of the specialized agencies were very useful to the Group in assessing the reports by States parties to the Covenant.

30. The CHAIRMAN said that as the matter of the observations of the specialized agencies had been very fully discussed by the previous sessional Working Group, he would again urge representatives not to reopen the debate.

The meeting rose at 4.20 p.m.

UNITED NATIONS

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SESSIONAL WORKING GROUP ON THE IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

SUMMARY RECORD OF THE 5th MEETING

Held at Headquarters, New York,
on Thursday, 16 April 1981, at 10.30 a.m.

Chairman: Mr. KORDS (German Democratic Repbulic)

CONTENTS

Consideration of reports submitted in accordance with Council resolution 1988 (LX) by States Parties to the Covenant concerning rights covered by articles 10 to 12 (continued)

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The meeting was called to order at 10.35 a.m.

CONSIDERATION OF REPORTS SUBMITTED IN ACCORDANCE WITH COUNCIL RESOLUTION 1988 (LX) BY STATES PARTIES TO THE COVENANT CONCERNING RIGHTS COVERED BY ARTICLES 10 TO 12 (continued)

Report of Romania (E/1980/6/Add.1)

1. Mr. GORITZA (Observer for Romania) said that articles 10 to 12 to the Covenant embodied rights relating to fundamental aspects of human existence - the welfare of the family and young people, the individual's well-being and health - which were essential components of his Government's social policy. Romania's Constitution and the entire body of laws and regulations not only recognized those rights but also provided effective instruments for their enjoyment by all citizens.

2. The experience of Romania, a socialist developing country, showed that the development of the productive forces and increasing national income were the most important means of improving the material and spiritual well-being of the people and the necessary basis for the exercise of the full range of economic, social, cultural and other human rights. For that reason, the recognition of the right to work, the constant improvement of conditions for the full exercise of that right, and the creation of new jobs, especially for young people and women, were essential concerns of his Government's economic and social policy. The economically active population had risen to more than 45 per cent of the total population and special attention was being paid to the rational distribution of the productive forces throughout the national territory, which had helped to create equal development conditions in all regions and equal opportunities for all citizens to exercise their fundamental rights.

3. With regard to article 10 of the Covenant, the provisions of the Constitution and the laws in force relating to the rights of women, the welfare of the family, mothers and children, attached great importance to the guarantee of the full equality of men and women, the active involvement of women in social and political life, and to the family as a fundamental unit of society. In order to ensure favourable conditions for the advancement of women in society and to protect the rights they enjoyed by virtue of their social function as mothers, the Labour Code, the Family Code, and other legal regulations contained special provisions relating to the working conditions, breaks and time off for pregnant women and women with children under their care. The progress made in Romania with regard to maternal and child welfare was illustrated by the fact that some 97 per cent of births currently took place in maternity clinics or other such institutions. The network of day nurseries, children's homes and kindergartens had expanded considerably in recent years to the point where more than 77 per cent of pre-school children were enrolled in kindergartens and the day nurseries could accommodate more than 90,000 children.

(Mr. Goritza, Observer, Romania)

4. Among the measures adopted by the State to improve material conditions for the development of the family, children's allowances played an important role. During the period 1976-1980, the amount of such allowances paid had increased by 42 per cent. In order to increase the resources earmarked for family allowances, the Romanian State had reduced its military expenditure by 16 per cent during the preceding three years. More than 4.5 million children benefited in 1980 from children's allowances, which were increased according to the number of children in the family. Mothers raising five or more children under the age of 18 were entitled to supplementary assistance.

5. His country's laws and practice were very strict with regard to the employment of children. Under the Labour Code, employers were not permitted to hire children under the age of 16, and young people under 18 years of age could not be assigned to arduous, dangerous or unhealthy work or to night work. Employers were obliqated to assist young workers so that they could complete at least the required 10 years of schooling.

6. Guaranteeing an adequate level of living to all citizens was linked to the country's economic potential and development. Under the five-year plan for the period 1976-1980, major strides had been made in modernizing the technical and material basis of the economy, harmoniously developing the productive forces throughout the national territory and raising national income. Such progress was made despite the serious difficulties which had plagued Romania, as well as other countries, as a result of the worsening of the world economic crisis. At the same time, it had been necessary to make special efforts to repair damage caused by the earthquake which had occurred in 1977.

7. As a result of a series of measures taken to increase salaries, the income of wage earners had increased by 76.3 billion lei between 1975 and 1980. During that same period, the average salary had increased by more than 40 per cent and the real income of farmers by 29 per cent, exceeding the targets set in the five-year plan.

8. Allocations under the budget for social services had increased by more than 39 per cent between 1975 and 1980. As a result, 5.6 million pupils and students were enrolled in Romanian schools in 1980 and 14.3 billion lei had been spent on medical care, which was provided free to the people. Pensions had increased by more than 26 per cent during the recently ended five-year period, with more substantial increases for individuals receiving the smallest pensions. The pensions of members of agricultural co-operatives had been raised by 20 per cent, and since 1979 the pension scheme had been extended to cover all farmers.

9. With the increase in income the sale of goods had risen by 42.2 per cent between 1975 and 1980, while the availability of food, household goods and services had also expanded. One of the essential features of the country's economic and social policy was to maintain the prices of food and consumer goods within equitable limits. Despite difficulties and inflationary pressures, the prices of such products had increased only within planned limits (around 6 per cent over five years), while the prices of food staples had remained virtually unchanged over the last 20 years.

(Mr. Goritza, Observer, Romania)

10. A major effort was being made to increase housing construction and 800,000 units had been built in the period 1976-1980.

11. The right to health, which was guaranteed under article 20 of the Constitution, was covered by a range of measures in the economic, social and health spheres. In the past five years, major measures had been adopted to develop and improve the health care infrastructure. In 1980 there were 9.4 hospital beds for every thousand people and one medical doctor for every 558 people, as against one for every 624 in 1975. The improvement in the health of the population as a result of such measures was reflected in the increase in average life expectancy to 70 years.

12. The measures adopted by the Romanian Government to give effect to the rights provided for in the Covenant reflected its fundamental concern to ensure for all citizens ever-improving living and working conditions and continually to increase the material and spiritual well-being of the population.

13. Mr. DIA (Senegal) asked whether the provision of special assistance and confinement grants to the mothers of three or more children did not imply unequal treatment of mothers who had fewer children. He would also like to know more about the pension scheme established under Act No. 5/1977 for farmers in areas not covered by co-operatives and for individual farmers.

14. Mr. SOFINSKY (Union of Soviet Socialist Republics) said that the report of Romania painted an impressive picture of the legal provisions in force relating to the rights covered by the Covenant. As a frequent visitor to Romania, he knew that the picture presented was an accurate reflection of the economic and social realities of the country. The introductory statement by the Observer for Romania showed that the Romanian Government had amply complied with its obligations under the Covenant.

15. He noted that article 154 of the Labour Code provided that, from the seventh month of pregnancy onwards, women could not be assigned to night work, while it was indicated further on in the report that pregnant women from the sixth month of pregnancy onwards could not be assigned to night work. He asked for clarification with regard to the apparent discrepancy.

16. He requested further information on housing construction and on assistance provided to mothers in the raising of their families.

17. Mr. SVERRE (Norway) asked whether wages were determined by political decision or negotiated by trade unions. He also wished to know to what extent pay rises merely reflected inflation or actually represented an increase in real terms in the income of workers.

18. Mrs. JIMENEZ BUTRAGUEÑO (Spain) noted that under article 157 of the Labour Code, women with sick children under the age of three could be granted paid leave to look after them and that women with children under the age of six were given the option to work half time, and asked whether fathers who were raising children of those ages alone were also entitled to such benefits.

(Mrs. Jimenez Butraqueño, Spain)

19. Article 5 of Act No. 3/1970 referred to children and adolescents with treatable handicaps. She requested information regarding measures of assistance for those whose handicaps were not treatable, and regarding the treatment of handicapped adults generally. Additional information about the rest homes and nursing homes referred to in article 2 of Act No. 3/1977 and the treatment of elderly persons, in general, would also be appreciated.

20. Mrs. BOSHKOVA (Bulgaria) requested further information regarding the kindergarten system and the legal situation of children born out of wedlock.

21. Mr. BORCHARD (Federal Republic of Germany) observed that the report of Romania provided a very full description of the legal provisions in force dealing with the rights covered by articles 10 to 12 of the Covenant but that it was short on facts and figures illustrating how such rights were actually enjoyed.

22. Article 11 of Act No. 4/1973 provided that citizens could have privately owned dwellings built for themselves and their families using their own resources or States resources and loans, but no figures were provided on how many such units had actually been constructed or on the percentage of such units built with private or State financing respectively. He wished to know what share of the housing stock was owned by private citizens and by the State, and which form of ownership was on the rise.

23. Lastly, he noted with interest the information provided in the report concerning the protection of the environment. To his knowledge it was the first instance of any such information being provided in a report considered by the Working Group.

24. Mr. SAMSON (International Labour Organisation) drew attention to the indications concerning Romania, contained on pages 28 and 29 of the report of the ILO Committee of Experts (E/1981/41), in particular the provisions concerning maternity leave and cash benefits and the positive measures of protection provided under the Labour Code. The Committee of Experts had considered that additional information would be desirable on any measures regulating the type of work to which women members of agricultural production co-operatives might be assigned before and after childbirth.

25. With regard to the protection of children and young persons, the Committee of Experts had requested information in connexion with Convention No. 137 on measures to limit work outside school hours by children under 16 years of age who were not members of an agricultural co-operative or engaged under an employment contract.

26. Mr. DIACONU (Observer for Romania), replying to the question asked by the representative of Senegal concerning the possible existence of discrimination between women having one or two children and those having more children, explained that in Romania all women responsible for raising children enjoyed the same rights. However, after a certain number of children, the State provided additional assistance, for example after having three children women received a confinemenmt grant at each birth and family allowances were increased to take into account the problems faced by families with more than two children. Of course, such measures were also designed to increase the birth rate in Romania.

(Mr. Diaconu, Observer, Romania)

27. Replying to questions concerning the pensions of farmers who were not members of agricultural co-operatives, he noted that the pension system evolved in accordance with the economic potential of the country. The growth of the national economy resulted in a higher standard of living and in better possibilities for fulfilling the rights of the population. All members of the population over the age of 60 were covered by a general pension system. The last category of the population to benefit from such coverage was, in fact, farmers who were not members of agricultural co-operatives. However, they had recently been included in the system, and currently 5,000 such farmers received old-age and health coverage. The necessary funds were provided by the State and by the nominal monthly contributions paid by the farmers themselves, under the same conditions as those applicable to members of agricultural co-operatives.

28. Referring to the discrepancy in the report noted by the representative of the Soviet Union, he indicated that expectant mothers could not be assigned to night work from the seventh month of pregnancy onwards.

29. In connexion with questions raised about housing construction, he pointed out that the State was giving growing attention to that problem because of the difficult situation inherited from the past, which had been made worse by the earthquake and floods which had occurred in recent years. Replying to the question asked by the representative of the Federal Republic of Germany he explained that between 1976 and 1980 more than 755,000 new housing units had been built with State resources and had been made available to the population at moderate rents. During the past five years, 90,000 housing units had been built with private funds, together with State contributions in the form of land, building materials and credit. However, it was difficult to indicate the exact proportion of housing built by the State and by individuals. In rural areas most homes were privately owned, and in urban areas the number of such homes was increasing. As the income of the population increased, more and more people were starting to build their own homes, with the assistance of the State. The State still built houses for those who were not yet able to build their own. Thus, while both sectors were dynamic, the number of privately built units was growing steadily.

30. Replying to questions asked about measures benefiting pregnant women, he noted that such women were entitled to 52 days of paid maternity leave before delivery and 66 days after delivery. Moreover, their work schedule was reduced, without any reduction in salary, for three years after the birth of a child. They were also entitled to paid leave in order to care for sick children.

31. Replying to a question from the representative of Norway concerning salary levels and increases, he indicated that salary levels were determined by policy decisions, after thorough consultation with all the interested parties. The rate of salary increases was also determined on the basis of such consultation. Salary levels and increases depended on the country's level of economic development. He pointed out that the figures relating to the actual wages paid were absolute figures, whereas the percentages of increase were given in real figures, taking into account inflation.

(Mr. Diaconu, Observer, Romania)

32. Replying to a question from the representative of Spain concerning instances in which child care was provided by the father, he noted that under Romanian legislation both parents had equal rights in the raising of children. Accordingly, the father also received paid leave, for example, to care for a sick child. With regard to untreatable handicapped children, he explained that at a very early age such children were placed in institutions, where every effort was made to ensure their recovery. If that was not possible, they were given instruction consistent with their potential and, after the age of 16, they began to work in whatever way they could. In Romania, many enterprises had special sections where the work was done by handicapped people. The handicapped could thus be productive, and they received a salary commensurate with the volume of their production. However, they remained in institutions - they even formed "families" there - and they received assistance from the State throughout their lives.

33. The representative of Spain had also asked about the rest and nursing homes referred to in article 2 of Act No. 3/1977. In that connexion, he pointed out that there were 14 different religious sects in Romania; many of them operated such homes and had their own pension and medical insurance systems. Although the ways in which such homes were operated differed, for example in terms of their funding, pensioners there enjoyed all the rights to which they were entitled under Romanian law.

34. Referring to a question from the representative of Bulgaria concerning kindergartens, he replied that the network of kindergartens had grown considerably. Kindergartens existed at places of employment in order to assist working mothers, or at the village, communal or district level for children living in specific localities. Currently some 1 million, or 77 per cent, of the pre-school children, attended the more than 13,000 kindergartens in Romania. The educational aspects of the care provided in kindergartens were ensured by duly qualified staff.

35. Replying to questions concerning children born out of wedlock, he stressed that, under the Romanian Constitution and laws, children born out of wedlock enjoyed the same rights as legitimate children, including inheritance rights.

Report of the United Republic of Tanzania (E/1980/6/Add.2)

36. Mr. MBAPILA (Observer for the United Republic of Tanzania), introducing his Government's report, explained that, since the United Republic of Tanzania was a poor country with very limited financial and human resources, it had been a great achievement to produce the report under consideration. The sacrifices entailed showed how seriously his country took the question of economic, social and cultural rights. The United Republic of Tanzania had lofty ideas and was doing its best to realize them.

37. The report contained an account of legal measures adopted to implement article 10 of the Covenant. In connexion with article 11, he pointed out that perceptions of what constituted an adequate standard of living differed from country to country. Although it was a poor country, the United Republic of Tanzania was working hard to provide a decent life for its people. Referring

(Mr. Mbapila, Observer, Tanzania)

to the right to adequate food, he explained that, although his country had hoped to achieve food self-sufficiency by 1981, that goal had not yet been achieved. The effects of inflation, high oil prices, high prices of farm machinery and spare parts had hampered food production efforts, but the worst problem had been the severe drought affecting his country. He stressed, however, that when his country had faced famine a few years earlier, the Government had decided to use foreign currency reserves to import food, and no lives had been lost.

38. Mr. DIA (Senegal) noted that, in considering the reports submitted by former colonial countries, it was important to base one's judgement on what had been achieved since independence. In view of the fact that the report under consideration had been prepared in 1979, he requested additional information concerning the benefits available to women in rural areas and asked whether any measures were planned to remedy the inadequacy of such benefits.

39. Mr. MILAMBU (Zaire) noted that many of the refugees who had poured into the United Republic of Tanzania worked for the Government. Accordingly, he asked whether they received any special benefits from the Government, for example in connexion with housing. He also asked how the cultural rights of foreigners were guaranteed, for example in relation to their art and music.

40. Mr. SOFINSKY (Union of Soviet Socialist Republics) agreed that the newly independent countries faced particular difficulties in view of the fact that they had not been masters of their development for many years. Accordingly, the report submitted by the United Republic of Tanzania rightly referred to the financial limitations affecting the implementation of the provisions of the Covenant. However, it also referred to the Government's desire to develop a socialist society, to ensure the rule of law and to implement the rights set forth in the Covenant. The Government and people of the United Republic of Tanzania were fully aware of the problems which that entailed and yet they had embarked on that endeavour.

41. Referring to the National Education Act and compulsory school attendance at the primary level he asked to what extent such provisions had been successful, whether some children faced particular obstacles in that connexion and what measures had been taken to ensure that that Act was being fully implemented. Referring to the large number of refugees in the United Republic of Tanzania, he asked what role they played and what their general situation was.

42. Mr. SVERRE (Norway) observed that the clear and forthright report of the United Republic of Tanzania could serve as a model for such submissions and requested information about the most serious obstacles to the achievement of an adequate standard of living and the priority which the Government accorded to overcoming them.

43. Ms BOSHKOVA (Bulgaria), noting that the report reflected the great efforts being made by the Government of the United Republic of Tanzania to achieve social justice and an adequate living standard for all, asked for details about the Government's special campaign to mobilize people to build decent housing.

44. Mrs. JIMENEZ BUTRAGUEÑO (Spain) asked how large the active female population of the country was, whether a women's rights movement existed and whether the Government helped women to find work outside the home or placed a higher value on their domestic role.

45. Mr. BORCHARD (Federal Republic of Germany) commended the sincerity and frankness with which the report admitted shortcomings. He was interested to know more about the Government's experience with the system of fixed producer prices to which the report referred, in particular whether it had led to real increases in production and whether producer prices were more or less the same as prices to the consumer. He inquired whether special subsidies were provided for food staples bought by the average farmer or worker.

46. Mr. SAMSON (International Labour Organisation) drew attention to observations on the observance of the provisions of the Covenant in the United Republic of Tanzania which appeared in the report of the ILO Committee of Experts (E/1981/41). The Committee of Experts considered that more information was desirable on progress in extending the facilities for medical care for women during pregnancy and confinement which were mentioned in the Government's report. In addition, while there were provisions for maternity leave with pay, they did not apply to all workers in all circumstances. The Committee of Experts suggested therefore that information was desirable on any further measures to extend financial assistance to working women before and after childbirth. Information would also be appreciated on any further measures to regulate the working conditions of women during pregnancy and after childbirth.

47. With regard to work by children and young persons, the Committee of Experts would welcome more information on the subject of measures either taken or contemplated to raise the minimum age for employment in non-industrial activities, to determine the kinds of dangerous, unhealthy or unsuitable work prohibited for persons under 18 years of age, to raise the minimum age for the manual transport of loads to regulate hours-of-work and overtime for young persons, and to regulate work by children and young persons outside an employment relationship.

48. The Committee of Experts had already emphasized the need to take account of the "progressive raising of standards of welfare" in its report for 1979 (E/1979/33, para. 12). The various matters referred to in its fourth report were thus ones to which attention might be given in future reports by the Government of the United Republic of Tanzania.

49. Mr. MBAPILA (United Republic of Tanzania), replying to the question about the protection of mothers in rural areas asked by the representative of Senegal, said that the Government had tried ever since independence to rectify the inherited imbalance between rural and urban areas by giving priority in its programmes to rural areas, where 95 per cent of the population lived. Three aspects enjoyed top priority. The first was that of water supply, which was one of the biggest problems. Mothers had formerly had to walk miles to fetch water with their children on their backs, or had had to leave them at home unattended. The Government aimed to provide piped water to all the 8,000 villages in which the rural population was now largely concentrated, and its programme was doing well. The second aspect was that of health-care facilities, where the Government aimed

(Mr. Mbapila, Observer, Tanzania)

to provide a clinic in every village. More than half already had a clinic or were served by mobile units from nearby villages. Each village was also to have a day-care centre where mothers could leave their children when they returned to work; again the programme was going smoothly. In the third field, that of universal free primary education for children, there was now a school in every village.

50. On the question of the status of refugees raised by the representative of Zaire, his country had accepted its share of refugees, as it was obliged to do as a Member of the United Nations. Currently they numbered some 200,000 and had come from South Africa, Namibia, Zimbabwe, Uganda, Zaire, Rwanda and Burundi. His country treated them like its own citizens and shared its scarce resources with them. The Government had distributed land to refugees and the refugee camps which were among the best in the world, had become largely self-reliant. On the specific question of refugee cultural activities, the Zairians in particular excelled in music and dancing and were a definite asset. The Government had recently offered citizenship to some 30,000 refugees.

51. The representative of the Soviet Union had asked about progress in implementing universal primary education. The popular response to the Government programme had been overwhelming and there were still some bottlenecks, particularly with the provision of teachers and classrooms.

52. On the subject of the level of living which had been raised by the representative of Norway, he said that, for a poor country like Tanzania, the priorities were for people to have shelter and education, to participate in the Government and development of the country, to enjoy the necessary minimum of health and be free from ignorance. The report provided information on the level of living as it was understood in his country and on the efforts being made to raise it. The representative of Bulgaria had inquired how the housing problem was being tackled. Various methods were used. People in the villages were encouraged to use their own initiative to build houses one by one and the Government had set up institutions such as the Tanzanian Housing Bank which provided soft loans at subsidized interest rates to enable individuals to build. Villages could also apply for loans on a collective basis. In urban areas there were slum clearance programmes, under which people were encouraged to form co-operatives to demolish old buildings and provided with loans and materials to enable them to build improved replacement structures.

53. The representative of Spain had inquired about the role of women, which was an area in which Tanzania had done very well in difficult circumstances. Women played an important role and had their own national organization affiliated to the Party, which ensured that women's interests were well represented in the national development effort. The lack of any discrimination on the grounds of sex was evidenced by the fact that women headed two important ministries - Justice and National Education - and held a number of other responsible positions.

(Mr. Mbapila, Observer, Tanzania)

54. The representative of the Federal Republic of Germany had asked questions relating to food policy which were too involved to answer in the short time available. Government attempts to set producer prices had not been wholly successful, since the raising of prices for some crops led to the neglect of others, and could ultimately result in a one-crop economy. The attempt to encourage coffee production for export incurred the risk of exposure to fluctuations in the world market and could result in political and psychological problems if growers did not receive the benefit expected. The Government was monitoring and adjusting prices and a new structure had been announced recently, but its attempts to earn foreign currency were subject to conditions abroad.

55. The CHAIRMAN said that, as no other delegation wished to speak, the Working Group had thus concluded its consideration of the report of the United Republic of Tanzania.

The meeting rose at 12.55 a.m.

UNITED
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SUMMARY

E/1981/WG.1/SR.6
8 September 1981

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First regular session, 1981

SESSIONAL WORKING GROUP ON THE IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

SUMMARY RECORD OF THE 6th MEETING

Held at Headquarters, New York,
on Thursday, 16 April 1981, at 3 p.m.

Chairman: Mr. JOHNSON (Ecuador)

CONTENTS

Consideration of reports submitted in accordance with Council resolution 1988 (LX) by States Parties to the Covenant concerning rights covered by Articles 10 to 12 (continued)

This record is subject to correction.

Corrections should be submitted in one of the working languages, preferably in the same language as the text to which they refer. They should be set forth in a memorandum and also, if possible, incorporated in a copy of the record. They should be sent within one week of the date of this document to the Chief, Official Records Editing Section, Department of Conference Services, room A-3550, 866 United Nations Plaza.

Any corrections to the records of the meetings of this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

The meeting was called to order at 3.10 p.m.

CONSIDERATION OF REPORTS SUBMITTED IN ACCORDANCE WITH COUNCIL RESOLUTION 1988 (LX) BY STATES PARTIES TO THE COVENANT CONCERNING RIGHTS COVERED BY ARTICLES 10 TO 12 (continued)

Report of Cyprus (E/1980/6/Add.3)

At the invitation of the Chairman, Mr. Droushiotis (Cyprus) took a place at the Committee table.

1. Mr. DROUSHIOTIS (Cyprus) introducing his country's report, said that unfortunately, his Government was still encountering the same difficulties affecting the fulfilment of its obligations under articles 10 to 12 as it had faced when the report was submitted in 1979. It was hoped that the intercommunal talks in progress would lead to a just and lasting solution to the problem, thereby removing those difficulties.

2. Mrs. JIMENEZ BUTRAGUEÑO (Spain), referring to page 4, section B (c) of the report of Cyprus, asked whether the pension of a working widow continued to be paid if she was employed. She further asked whether in exceptional cases, such as incapacity on the part of the husband, a widower's pension might be payable. Referring to sections B (a) and (b) of the report, concerning maternity protection, she asked what was the distinction between a maternity grant and a maternity allowance and requested further information on the contributions referred to in those sections. Referring to section A (2) of the report she asked whether religious institutions had priority over civil legislation in defining marriageable age.

3. Mr. SAMSON (International Labour Organisation) drew attention to the information concerning Cyprus provided in the report of the ILO Committee of Experts (E/1981/41, pp. 11-12) concerning maternity protection, and noted that provisions of relevance to the implementation of the Covenant were to be found in collective agreements.

4. The Government of Cyprus had stated its intention to adopt legislation providing for maternity leave and improved protection against termination of employment during maternity leave. The ILO Committee of Experts had requested information on progress in the adoption of those measures and on any measures taken or contemplated to regulate the conditions of work of women during pregnancy and after childbirth. ILO assistance had been provided in the codification and improvement of existing legislation dealing with work by children and young persons. There had been a considerable number of projects in which ILO experts had collaborated with the Government of Cyprus in that respect. The ILO Committee of Experts also considered that information would be desirable on any measure to raise the minimum age for non-industrial employment, which was generally 13 years, and to extend compulsory schooling so as to facilitate the observance of legislation relating to the minimum age of employment.

5. Mr. DROUSHIOTIS (Cyprus), in replying to the questions put by the representative of Spain, said that the maternity grant and maternity allowance were different, the grant being a lump sum paid to the mother giving birth to a child and the allowance being a weekly payment to the mother over a period of 12 weeks. The contributions referred to in the report were paid on a weekly basis. He would submit the questions concerning widows' pensions and whether there was a widower's pension to the competent authorities in Cyprus, who would provide further details.

6. The CHAIRMAN said that he took it that the Working Group had concluded consideration of the report by Cyprus (E/1980/6/Add.3).

7. Mr. Droushiotis withdrew.

The meeting rose at 3.30 p.m.

UNITED
NATIONS

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Economic and Social Council

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19 September 1981

ORIGINAL: ENGLISH

First regular session, 1981

SESSIONAL WORKING GROUP ON THE IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

SUMMARY RECORD OF THE 7th MEETING

Held at Headquarters, New York,
on Friday, 17 April 1981, at 10.30 a.m.

Chairman: Mr. JOHNSON (Ecuador)

CONTENTS

Consideration of the reports submitted in accordance with Council resolution 1988 (LX) by States Parties to the Covenant concerning rights covered by articles 10 to 12 (continued)

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Any corrections to the records of the meetings of this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

The meeting was called to order at 10.35 p.m.

CONSIDERATION OF THE REPORTS SUBMITTED IN ACCORDANCE WITH COUNCIL RESOLUTION 1988 (LX) BY STATES PARTIES TO THE COVENANT CONCERNING RIGHTS COVERED BY ARTICLES 10 TO 12 (continued)

1. The CHAIRMAN informed members that the Bureau had met after the adjournment of the 6th meeting of the Working Group in order to clarify aspects of the understanding which had been reached during informal consultations in 1980. The Bureau had decided to present to the Working Group a clarifying paragraph which it wished to have included in the report of the current session of the Working Group, so that in future years there would be no difficulties in connexion with some details of the Working Group's procedure. The Bureau had decided to submit the following text to the Working Group for approval:

> "On the basis of the understanding reached by the Working Group in informal consultations in 1980, it was agreed that States Parties presenting reports to the Group would be free to respond to comments made by specialized agencies if they so wished."

As that text was merely a clarification of a procedure that had been utilized in the work of the Working Group in 1980, it was suggested that it should be adopted by consensus without debate.

2. Mr. CHERNICHENKO (Union of Soviet Socialist Republics) said that the language of the text read out by the Chairman should be clarified and made more specific. He hoped that members would not object to the following wording:

> "States in their replies may take into account the general comments made by specialized agencies within the confines of their competence."

That text was in keeping with the understanding reached in 1980 and entailed no departure from the principle agreed upon.

3. Mr. SVERRE (Norway) said that the text submitted by the Bureau was quite clear and corresponded to the understanding that had been reached on the matter. There was no need to change or supplement it with any wording which, in the view of his delegation, was unnecessarily restrictive in nature.

4. Ms. BOSHKOVA (Bulgaria) said that the text proposed by the representative of the Union of Soviet Socialist Republics was more in line with the position of her delegation. The gentlemen's agreement reached in 1980 had not set a precedent. If there was a change in the status of an international organization, that changed the status of its work as a whole.

5. Mr. DIA (Senegal) said that the text proposed by the Bureau correctly reflected the understanding that had been reached in 1980.

6. Mr. PAL (India), Rapporteur, said that the understanding reached in 1980 had included two points, one referring to the manner in which the specialized agencies could comment - that is to say, within their sphere of competence - and the other referring to the fact that States would be free to respond to those comments. As he understood the Soviet proposal, it was designed to combine the two aspects of that understanding. He suggested that he, as Rapporteur, and the Secretary of the Committee might be able to work together to prepare a text that would be acceptable to all.

7. The CHAIRMAN said that he had been thinking along the same lines as the Rapporteur and suggested the following text:

> "On the basis of the understanding reached by the Working Group in informal consultations in 1980, it was agreed that States Parties presenting reports to the Group would be free to respond to or take into account the general comments made by specialized agencies if they so wished."

If there was no objection, he would take it that the Working Group agreed to that text.

8. It was so decided.

9. The CHAIRMAN said that, since it appeared that sometimes the work of the Working Group in connexion with the consideration of reports submitted by States parties to the Covenant was finished an hour or so before the official concluding time for meetings, the Bureau had decided to suggest that beginning on Monday, 20 April 1981, members should come prepared to start work on the review of the composition, organization and administrative arrangements of the Working Group. That would allow the Working Group enough time towards the end of the present session to conclude its work successfully and without too much pressure. If there was no objection, he would take it that the Working Group accepted that suggestion.

10. It was so decided.

Report of Chile (E/1980/6/Add.4)

11. At the invitation of the Chairman, Mr. Thayer (Chile) took a place at the Working Group table.

12. Ms. BOSHKOVA (Bulgaria) noted that the report of Chile was dated 16 September 1979. Since then, the General Assembly had adopted resolution 35/188 and the Commission on Human Rights had adopted resolution 9 (XXXVII), both of which referred to the fact that the situation in Chile had not improved and had in fact worsened. The Working Group would be violating those resolutions if it considered the report of Chile at the present time.

13. Mr. CHERNICHENKO (Union of Soviet Socialist Republics) said that his delegation strongly objected to consideration of the report of Chile. Both of the resolutions referred to by the representative of Bulgaria pointed out the fact that

(Mr. Chernichenko, USSR)

in Chile there were still flagrant and massive violations of human rights and that in some cases there had even been a deterioration of the human-rights situation in Chile. It was therefore questionable whether the Working Group could discuss a report submitted by Chile, particularly one dated 25 September 1979. It had been made quite clear at the discussions at the latest session of the Commission on Human Rights that the human-rights situation in Chile was unchanged and no additional explanations from the representative of Chile could conceal that fact. Discussion of the report of Chile in the Working Group would only divert attention from the flagrant and massive violations of human rights in Chile; that was, of course, what the Chilean authorities were counting on. Furthermore, it would be wrong to consider individual points relating to human rights independently of the over-all human-rights situation in Chile. As was pointed out in General Assembly resolution 32/130, all human rights and fundamental freedoms were interrelated and indivisible. If the highest authority of the United Nations had recognized the flagrant and massive violations of human rights in Chile, any discussion in the Working Group on the implementation of three articles of the Covenant on Economic, Social and Cultural Rights, would create a real danger of distorting the over-all picture of human rights in Chile and would undermine the decisions of certain United Nations bodies, especially those referred to by the representative of Bulgaria.

14. Mr. KORDS (German Democratic Republic) said that the Commission on Human Rights was dealing with the situation in Chile under a separate agenda item and that the mandate of the Special Rapporteur on the matter had been extended for one year. It would therefore be inappropriate to discuss the report of Chile at the present time.

15. The CHAIRMAN said that the Working Group had already approved its programme of work, as set forth in document E/1981/WG.1/L.1/Rev.1, and that the report of Chile was scheduled for consideration at the morning meeting on 17 April. He would therefore ask the representative of Chile to clarify the reports his Government had submitted, in order that the Working Group might be made aware of the exact details pertaining thereto. Delegations could then ask questions regarding the statement by the representative of Chile.

16. Mr. THAYER (Chile) pointed out that no point of order had been raised and that his Government was submitting its report on articles 10 to 12 of the International Covenant on Economic, Social and Cultural Rights in keeping with the agreed schedule. He would not refer to matters that were irrelevant to the specific subject of the meeting, as that would unnecessarily distract the attention of members of the Working Group. Obviously, respect for human rights should be universal, but specific situations in various countries and problems encountered in specific fields of human rights should be studied. That required the specialized efforts of several agencies within the United Nations system.

17. He wished at the present time to provide a supplementary report intended to update the one contained in document E/1980/6/Add.14. Chile was undergoing an acceleratd process of institutional reorganization, and thus, there had been

(Mr. Thayer, Chile)

several developments during the period between 29 September 1979 and April 1981 which should be explained in order to give a correct picture of the current situation in his country. There had been no change that might detract from the guarantees or rights covered by articles 10 to 12 of the Covenant. What had changed had been the drafting of certain precepts in the Constitutional Acts which had been in force in Chile when the report (E/1980/6/Add.4) had been prepared. Those provisions had been amended in a purely formal manner by the Constitution that was now in force, which had been approved by a plebiscite on 11 September 1980. To facilitate reference to the report contained in document E/1980/6/Add.4, he would discuss the changes affecting implementation of articles 10 to 12 in the order in which they were discussed in the report.

18. With regard to article 10, paragraph 1, of the Covenant, the reference in the 1979 report to Constitutional Act No. 2 and Constitutional Act No. 3 was superseded by articles 1 and 19 of the new Constitution. Article 1 of the new Constitution stated that men were born free and equal in dignity and rights, that the family was the fundamental nucleus of society, that the State recognized and protected intermediate groups through which society was organized and structured, that the State was at the service of its people to promote the common good, and that the State had the duty to safeguard the national security, and to promote the harmonious integration of all sectors of the nation and ensure equality of opportunity to participate in the life of the nation. Article 19 of the new Constitution guaranteed, inter alia, the right to life and physical and mental integrity, protection of unborn life, respect for and protection of the private and public lives of persons, as well as the honour of persons and families, and the inviolability of the home and all forms of private communications. Since the new constitutional precepts reaffirmed the rights that had been enshrined in the Constitutional Acts referred to in the 1979 report, there was no change in the references to legislation that was designed merely to implement the constitutional precepts.

19. With reference to article 10, pargraph 2, the only change was that a correction should be made to paragraph 5 of the comments on page 4, which stated that as long as the contract remained in force, the mother could not be dismissed for the entire period of pregnancy and up to one year after childbirth. Actually, the period of protection of the mother was longer, inasmuch as the period during which she could not be dismissed was not one year after childbirth but rather one year after the end of the 12 weeks' maternity leave.

20. With regard to article 11, paragraph 1, the new constitutional precept which covered the subject was the aforementioned article 19, paragraph 16 (2) of which stated that everyone had the right freely to enter into a contract, to choose his work and to receive fair remuneration. The precept did not directly link the worker's remuneration with the welfare of his family, inasmuch as current thinking with regard to social security was predicated on the idea that the protection of a family should be based not solely on the salary of the wage-earner but rather on the entire system of services provided by social legislation. Members of the Working Group were no doubt aware that in many countries, when the family situation

(Mr. Thayer, Chile)

had been linked to the salary of the head of the family, workers who were married and had dependants were at a disadvantage in finding a job in comparison with single persons. Chile therefore made no distinction between minimum salary requirements and family responsibilities. The problem of family responsibilities was dealt with through other aspects of social legislation, such as the family allowances for spouses and children, as well as the provision of institutional services for abandoned children and orphans. Likewise, the policy on housing established certain priorities with regard to the granting of subsidies. In addition, there were many other social programmes, such as those providing day care, the administration of justice in respect of juveniles, health-care programmes, programmes carried out by the Ministry of Labour and Social Welfare, and the services provided by the Ministry of the Interior in cases of natural disasters.

21. The rights laid down in article 12, paragraph 1, of the Covenant were guaranteed in article 19, paragraphs 8, 9 and 18 of the new Constitution. The State ensured free and equal access to medical and health facilities, and citizens could opt to avail themselves of public or private facilities. Health care was made available to the general public through the social security system, which had just been extensively overhauled; the reform had led to the creation of a national health fund, which operated through 23 national health services in various parts of the country.

22. Beyond the changes he had just mentioned, the introduction of the new Constitution had not markedly changed Chilean legislation affecting the Covenant. The Working Group might, however, be interested to learn that the proportion of the national budget devoted to social spending had grown from 40.5 per cent in 1970 to 50.1 per cent in 1980 - a creditable performance, he believed, for a developing country with a per capita annual income of some $1,600. The number of children attending kindergartens had risen from 16,000 in 1974 to 48,000 in 1980. Infant mortality had decreased steadily and had now reached a level of about 35 per thousand live births. Pre-school mortality (deaths in children aged between one and four years) had also declined, from 3.8 per cent in 1970 to 1.51 per cent in 1979, a figure which indicated progress even though the Government had not yet reached the target of less than 1 per cent child mortality. Deaths from contagious diseases were likewise diminishing in number.

23. The number of professionally attended births had risen from around 80 per cent in 1969 to 90.4 per cent in 1979, and indications were that the latest figures were slightly better than that.

24. There had been a marked spurt in housing construction in recent years, especially since 1978. The Government's policy was that individuals ought to provide for their own accommodations, but those sectors of the population which could not afford their own housing were heavily subsidized, even though the available resources could not keep up with the demand. It was the Government's hope that most people would eventually be in a position to pay for their own housing with a combination of their earnings and long-term loans.

(Mr. Thayer, Chile)

25. The current national minimum wage was set at the equivalent of about $140 per month, a figure very close to the average national income per capita. It was the Government's hope that as national production grew, social development and the minimum wage would at least keep pace with the growth in the economy.

26. Mr. SAMSON (International Labour Organisation) said that he wished to draw the Group's attention to some of the comments made by the ILO Committee of Experts on the Application of Conventions and Recommendations concerning the Chilean report, as had been the practice of ILO representatives at the preceding session and on earlier occasions.

27. Chile had ratified the maternity protection convention of 1919 (No. 3). That Convention called for free attendance by a doctor or certified midwife in cases of maternity; however, as the Committee had noted, medical care was free for manual workers but not non-manual workers, civil servants and others. The Committee had therefore indicated a need to bring the legislation into line with the Convention on that point. Efforts to create a uniform health-protection system were currently under way, and the question would doubtless be considered in that context.

28. The Committee had also expressed a desire for additional information on measures restricting the assignment of women to work which might be harmful to their health during the period immediately following maternity leave. The current measures applied only to the period of pregnancy, not to the post-natal period, while article 10, paragraph 2, of the Covenant called for special measures of protection to be accorded to mothers for a reasonable period both before and after childbirth.

29. In connexion with one of the ILO Conventions on the protection of children which Chile had ratified, the Committee had noted the need for measures to restrict the carrying of loads by young workers and had commented on the desirability of further information on measures restricting work by children and young persons outside an employment relationship, limiting night work by young persons in non-industrial applications and ensuring stricter observance of the national legislation on child labour.

30. Mr. KORDS (German Democratic Republic) said that his delegation was opposed to the consideration of a report which was in flat contradiction with other United Nations documents; he called for informal consultations on the subject.

31. Mr. ABDUL-AZIZ (Libyan Arab Jamahiriya) suggested that the Group should retain the formula it had worked out by consensus in 1980; if it did so, there would be no need for informal consultations.

32. Mr. BORCHARD (Federal Republic of Germany) asked whether the purpose was to reflect the compromise in the Working Group's report, as had been done in 1980.

33. At the suggestion of the Chairman, the meeting was suspended at 11.50 a.m. and resumed at 12.20 p.m.

34. The CHAIRMAN read out the following statement as a summary of the Group's consideration of the Chilean report:

> "The members of the Working Group considered the report of Chile, contained in document E/1980/6/Add.4. During consideration of the Chilean report some members of the Working Group referred to expressions of concern on the question of human rights in Chile in other United Nations bodies. Members of the Working Group believe that additional information should be provided by the Government of Chile in the next report to be submitted by it under the Covenant concerning rights covered by articles 10 to 12, in accordance with the general guidelines prepared by the Secretary-General."

He declared that the Group had now concluded its consideration of the Chilean report.

Report of Austria (E/1980/6/Add.19)

35. Mr. ALMOSLECHNER (Austria), introducing his country's report (E/1980/6/Add.19), said that nearly 97 per cent of the people living in Austria had health insurance coverage. Austria had a very high standard of living, with a per capita GNP of 121,860 schillings per annum and a per capita GNP growth rate above the European average. Austrians could draw on an extensive system of social security coverage.

36. Equality before the law, for citizens and foreigners alike, was guaranteed under article 7 of the Constitution and article 1 of the Federal Constitutional Act of 1973, the few exceptions being in compliance with the International Convention on the Elimination of All Forms of Racial Discrimination. Austrian legislation on the protection of the family was derived largely from the European Convention on Human Rights and embraced special grants to couples embarking on their first marriage, tax reductions and other benefits. It gave effect to the requirements of ILO Convention No. 103 on Maternity Protection; the country had a very advanced maternity and child health care system. Working women were entitled to - and, indeed required to take - maternity leave before and after childbirth, and they enjoyed job protection during pregnancy and for up to four months after giving birth.

37. Protective measures for children and young persons were dealt with partly under civil and partly under private law, and included provisions ranging from child-care centres to supervised education designed to prevent child neglect and abuse; restrictions were placed on the occupations in which young persons could be employed.

38. With regard to article 11 of the Covenant (E/1980/6/Add.19, p. 17), the Austrian Government had adopted a large number of measures in the field of employment policy, social policy and income policy, with a view to safeguarding a standard of living that was adequate to the needs of the population. In connexion with the regulation of the food market to that end, he drew attention to the Agriculture Act of 1976 (p. 18). Efforts were also being made to promote

(Mr. Almoslechner, Austria)

agriculture and forestry with a view to improving the living conditions of the rural population and guaranteeing the production of high-quality food, while respecting environmental needs and the need to preserve farm land.

39. He also drew attention to the Market Organization Act of 1967, the Animal Industry Act of 1976 and the Food Quotas Act of 1952 (p. 18), which were all directed towards price support and stabilization in the context of food distribution.

40. The Food Act of 1975 and the Quality Grading Act (p. 18) were designed to improve the quality and safety of food.

41. Referring to the right to housing, (p. 21), he drew attention to the Housing Promotion Act of 1968 and the Housing Improvement Act, as well as to the laws dealing with the promotion and organization of the right to housing. In housing construction, special care was being taken to use energy-conserving technologies (p. 23). The protection of tenants was guaranteed by the Rent Act, the Rent Control Act and the 1974 amendment to the Rent Act (pp. 23-24).

42. With regard to article 12 of the Covenant (p. 25), he said that Austria had adopted a comprehensive system of laws, administrative regulations, collective agreements and other types of arrangements in order to protect the physical and mental health of its population.

43. With a view to reducing infant mortality, the Austrian Länder (provinces) were required, under the Youth Welfare Act, to adopt measures to ensure health services for pregnant women, for women during childbirth and for infants, as well as for young children (pp. 28 and 29). In addition to the maternal and child health booklet, which ensured that children were given a number of medical examinations during the first year of life, a school health record card had been introduced in order to provide school physicians with better information about the state of each child's health (p. 31).

44. With a view to preventing, treating and controlling various types of diseases in urban and rural areas, Austria had adopted a variety of measures, in the context of its health policy, based on an assessment of all the factors that could affect the health of the population (pp. 30 and 31).

45. As to comprehensive plans and specific measures to ensure adequate health, he said that institutions managed by governmental authorities and by charitable or other organizations provided, inter alia, home care and household help, in particular for the elderly. Such activities were governed by provincial legislation as well as by the General Social Insurance Act (p. 30). With a view to improving medical coverage, the number of physicians in hospitals had recently been increased through an amendment to the Physicians Act.

46. Mrs. JIMÉNEZ BUTRAGUEÑO (Spain) asked whether young people were eligible for unemployment insurance before their first employment. Referring to the facilities for women who wished to terminate their employment because of marriage or the birth of a child (pp. 9-10), she pointed out that such provisions seemed to be somewhat discriminatory, since the high cost of employing women might make employers prefer to hire men. Accordingly, she asked whether a woman's decision to leave work was entirely voluntary, how long women were required to stay at home after receiving the relevant special payments and whether they could return to work whenever they so desired.

47. Mr. SVERRE (Norway) requested additional information concerning the position and rights of women during marriage and upon its dissolution, particularly with regard to personal and property rights.

48. Mr. ABDUL-AZIZ (Libyan Arab Jamahiriya) said that the thoroughness of the report submitted by Austria reflected the Austrian Government's concern for the implementation of the rights covered by articles 10 to 12 of the Covenant. Although the report referred to the rights of all sectors of society, measures applicable to disabled persons did not seem to be mentioned. While he personally knew that Austria had adopted comprehensive legislation in that connexion, he requested additional information on how the provisions of the Covenant were applied to disabled people in Austria.

49. Mr. KORDS (German Democratic Republic) said that the report submitted by Austria contained a very comprehensive survey of the legal situation and of the measures taken by the Austrian Government to implement the provisions of articles 10 to 12 of the Covenant; his delegation did not wish to raise any additional questions in that connexion.

50. Miss MANGAZA LUANGHY (Zaire), referring to ILO Convention No. 89 concerning Night Work of Women Employed in Industry (p. 5), asked whether those provisions applied only to women employed in an industrial undertaking or whether they applied to women in other sectors as well. She also asked for clarification concerning the words "public or private industrial undertaking".

51. Mr. BORCHARD (Federal Republic of Germany) said the excellent and detailed report submitted by Austria showed that it was not enough to have good legal provisions - for example, provisions to ensure an adequate standard of living - unless they were accompanied by a successful economic policy. Accordingly, Austria's achievements in maintaining full employment, controlling the rate of inflation and keeping up the level of industrial and agricultural production were particularly impressive in the light of the economic strains affecting all countries in the world. However, he felt that additional examples of how Sozialpartnerschaft helped to provide an adequate standard of living would be useful. He also asked whether the provisions of the Food Quotas Act of 1952 (p. 18) had ever been applied and what experience had been gained in that connexion.

52. Mr. SAMSON (International Labour Organisation) drew attention to the indications concerning Austria which were contained on pages 7 and 8 of the report of the ILO Committee of Experts (E/1981/41). He pointed out that, in connexion with maternity protection and the protection of children and young persons, Austria had extensive legislative measures and had ratified a number of relevant ILO Conventions. The Committee of Experts had felt that it would be desirable to have additional information concerning the fixing of special age limits for the admission of young persons to dangerous work and concerning any measures taken to prohibit the employment of young persons in specific types of dangerous or unhealthful work in agriculture and forestry.

53. Mr. ALMOSLECHNER (Austria) assured members of the Working Group that he would convey their comments to his Government and, speaking as a civil servant, would merely try to answer certain questions tentatively.

54. Referring to the question from the representative of Spain concerning unemployment insurance for young people prior to their first job, he noted that Austria was very fortunate in that it did not yet have any major unemployment problem or any difficulty in providing first jobs for young people. He assumed that the insurance coverage provided by schools was extended until young people obtained their first job. As to the question how long women were prohibited from working before and after pregnancy, he explained that, after the 8-week or 12-week post-natal leave, a woman was free either to return to work immediately or to take unpaid leave until her child's first birthday; during that first year the sickness fund paid her a special cash benefit equivalent to her salary.

55. Replying to the question from the representative of Norway concerning the situation of women in marriage, he explained that in 1970 the Austrian Ministry of Justice had undertaken a major reform of the family law in order to bring it into line with contemporary economic and social developments, particularly those concerning the advancement of women and their employment. As a result, women were no longer obliged by law to live with their husbands, husbands could not prevent their wives from working, and both partners had equal responsibility for maintaining the family; marriage was considered to be a genuine partnership. Divorce legislation had also been changed, making it easier to obtain a divorce. New penal legislation had further emancipated women. The previous ban on abortions had been lifted, and they could now be performed during the first trimester of pregnancy, provided that the pregnant woman herself so wished and that the operation was performed by a physician. Accordingly, the trend in Austria was towards an equal status of husbands and wives in marriage.

56. As to the question from the representative of the Libyan Arab Jamahiriya concerning measures for the disabled, he noted that for many years Austria had had legislation under which every enterprise must employ a certain percentage of disabled people. That percentage had been especially high following the Second World War; currently the main problem was that of persons disabled by industrial accidents. However, the measures elaborated in connexion with the International Year of Disabled Persons, whose secretariat was in fact at Vienna, would surely be implemented in Austria.

(Mr. Almoslechner, Austria)

57. Replying to the question asked by the representative of Zaire about night work done by women, he explained that the relevant provisions applied to all sectors, without distinction. Moreover, since services ended early in the day in Austria - for example, Vienna restaurants closed at approximately 11 p.m. - the night work done by women was reduced to a minimum. Shifts in industry had also been completely eliminated.

58. Referring to the question asked by the representative of the Federal Republic of Germany concerning Sozialpartnerschaft, he explained that Austria was a country which was governed by a number of institutions in addition to the Government itself. Such institutions included employers' and employees' associations, which had been working together very successfully since the Second World War. Under Sozialpartnerschaft, before any measures were taken by trade unions - for example, in connexion with a strike - the trade union and the employers' association concerned met to discuss ways of finding a solution to the matter at issue. He drew attention to the fact that in Austria time lost due to strikes was measured in seconds per year. Sozialpartnerschaft also monitored prices very closely, particularly those of foods and basic goods, with a view to limiting inflation. Especially important in that respect was the spirit of close co-operation between the representatives of employers and employees, which had been maintained over the years, irrespective of the Government in power or of political parties. In his opinion, that spirit resulted from the experiences shared during the Second World War and from the common effort to enable Austria to recover, to find its own identity and to prove to the world that it was a viable nation.

59. Referring to the Food Quotas Act of 1952, he said that, to his knowledge, that Act had never been applied thus far. However, it provided a detailed plan that could be applied in the case of a major crisis.

60. In conclusion, referring to provisions governing young persons doing dangerous work, he said that although he did not know precisely what legislation would be adopted, he was certain that during the International Year of Disabled Persons that matter would be carefully reviewed.

The meeting rose at 1.20 p.m.

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SESSIONAL WORKING GROUP ON THE IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

SUMMARY RECORD OF THE 8th MEETING

Held at Headquarters, New York,
on Monday, 20 April 1981, at 10.30 a.m.

Chairman: Mr. JOHNSON (Ecuador)

CONTENTS

Consideration of reports submitted in accordance with Council resolution 1988 (LX) by States Parties to the Covenant concerning rights covered by articles 10 to 12 (continued)

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The meeting was called to order at 10.35 a.m.

CONSIDERATION OF REPORTS SUBMITTED IN ACCORDANCE WITH COUNCIL RESOLUTION 1988 (LX) BY STATES PARTIES TO THE COVENANT CONCERNING RIGHTS COVERED BY ARTICLES 10 TO 12 (continued)

Report of the German Democratic Republic (E/1980/6/Add.6)

1. At the invitation of the Chairman, Mr. Lämmerzahl (German Democratic Republic) took a place at the table.

2. Mr. LÄMMERZAHL (German Democratic Republic) pointed out that his country's report concentrated on the important aspects of the situation relating to the rights covered by articles 10 to 12 of the Covenant. The safeguarding and implementation of those rights had received attention since the foundation of the German Democratic Republic and, as was apparent in the report, that effort had become more and more successful as his country's economic potential had grown. The previous 10 years had been the most successful period in his country's history in terms both of over-all economic development and of raising the standard of living and quality of life for all citizens.

3. Under the comprehensive social programme implemented in 1971, top priority had been given to housing construction. Since that year, 1.4 million new dwellings had been built and the housing of more than 4 million citizens had been improved. Two thirds of the newly built dwellings had been made available to working-class people, particularly those with large families. Under the social programme, the State had assumed a larger proportion of the financial burden involved in the raising of children by increasing the family allowances and allowances for child care, large families and young married couples; it had also increased sickness, disability and old-age benefits. All those measures had been implemented in stages: in 1971, the wages of more than 1.7 million workers and the pensions of about 2.3 million citizens had been increased; in 1972, the pensions of another 3.9 million citizens had been raised, the working hours of 200,000 working mothers had been shortened, longer holiday leave had been granted for 400,000 working mothers, interest-free loans had been instituted for young married couples, pregnancy and maternity leave had been extended to 18 months and confinement benefits had been raised to 1,000 marks per child; in 1973, more funds had been made available for nursing and social care; in 1974, higher scales of remuneration and extended leave had been provided for 400,000 trainess; in 1975, the leave of 1.5 million employees had been extended; in 1976, pregnancy and maternity leave had been extended to 26 weeks with the payment of full average net earnings, mothers had been granted paid leave for absences of one year starting with the birth of their second child, the wages of 1 million workers had been raised and the funds for nursing and social care had been increased; in 1977, the leave of 1.2 million employees had been extended and the 40-hour week had been introduced for more than 1.5 million employees; in 1978, social security benefits granted in the event of sickness, industrial accidents or occupational disease had been increased; in 1979, the leave of all employees had been extended, and pensions and social services for

(Mr. Lämmerzahl, German Democratic Republic)

more than 3 million people had been increased; in 1980, a very successful year, the growing productivity and efficiency of the national economy had made it possible to consolidate the achievements of the economic and social policies and further to improve material and cultural living standards. An essential prerequisite for that had been the 4.2 per cent increase in the national income generated in 1980, as compared with 1979.

4. As was apparent from the report and preceding comments, many social measures were aimed at further improving the working and living conditions of women and mothers, in accordance with the State's basic effort to give women every opportunity to play a full and equal role in all spheres of life. Educational and vocational opportunities were open to them, they had the same rights as men and received equal pay for equal work. Women accounted for half the work force in the German Democratic Republic.

5. Accordingly, pre-school facilities for children of working women were considered to be an integral part of the education system. There were day nurseries, or crèches, for children up to three years of age and kindergartens for those from three to six years. Experienced teachers focused on developing the children's physical and mental capabilities in a systematic manner. Children also received periodic medical examinations free of charge. As from 1979, 60 per cent of children up to three years of age attended crèches, and 92 per cent of those between the ages of three and six attended kindergartens. The State paid 2,500 marks and 1,040 marks for each child in a crèche or kindergarten, respectively; parents paid a nominal contribution of approximately one tenth of those amounts to cover the cost of the meals provided.

6. With a view to better enabling women to co-ordinate their professional and family responsibilities, the working week for about 500,000 mothers employed full time, with two children under the age of 16 living at home, had been reduced to 40 hours, without any loss of pay. For 400,000 employed mothers with two or more children, annual leave had been increased by three to nine days. The benefits provided by the State in connexion with maternity leave and child care were the same for married and unmarried women.

7. The repayment of the 5,000 mark interest-free loans granted to young married couples was waived, in stages, at the birth of each child (E/1980/6/Add.6, p. 3). Between 1972 and 31 October 1980, 3,887 million marks had been granted in such interest-free loans. In 1980, the Government had provided 282 million marks for the paid leave to which working mothers were entitled for one year after the birth of their second or any further child. All those measures were reflected in the steady rise in the number of births since 1975.

8. The report and the preceding observations showed that all such efforts focused on the over-all development of the individual. As a result of that policy, remarkable progress had been made in implementing the programme of economic growth, stability, full employment and prosperity. At the recent Tenth Congress of the Socialist Unity Party, further decisions had been taken in connexion with the

(Mr. Lämmerzahl, German Democratic Republic)

programme and, as the Secretary-General of the Party and the Chairman of the State Council had reported at that time, the German Democratic Republic would continue to pursue its time-tested policy of putting the people first.

9. Mr. SOFINSKY (Union of Soviet Socialist Republics) noted that the interesting report and detailed introduction provided an impressive picture of the implementation of articles 10 to 12 of the Covenant. He had been particularly interested in the fact that, under the housing construction programme, housing was made available to working people, priority being given to those with large families. That information and the very extensive information provided during the Tenth Congress of the Socialist Unity Party made it clear that the provisions of the Covenant were being implemented successfully in the German Democratic Republic.

10. The report also contained information concerning the German Democratic Republic's participation in solving the world food problem (p. 8) and the measures being taken to protect the environment (p. 10).

11. In conclusion, he requested additional information concerning child-care, particularly measures relating to physically or mentally handicapped children.

12. Ms. BOSHKOVA (Bulgaria) observed that the report provided a very clear and comprehensive picture of the great success achieved by the German Democratic Republic. Accordingly, she merely wished to request additional details concerning the crèche and kindergarten system and the relevant decrees as well as information on ways in which the Labour Code protected young people.

13. Mr. ABDUL-AZIZ (Libyan Arab Jamahiriya) read out the second paragraph on page 3 of the report (E/1980/6/Add.6) and noted that some partially incapacitated persons were fit to contract marriage. Accordingly, he asked whether the German Democratic Republic had adopted any legislation applicable to such persons and what bodies decided whether or not a person was legally incapacitated.

14. Mr. SVERRE (Norway), referring to provisions concerning the right to an adequate standard of living (E/1980/6/Add.6, p. 7), requested additional information on the experience acquired in increasing the national income on planned lines and about future expectations in that connexion. Referring to the remarkable effort being made in the housing programme, he requested additional information on the situation of individual citizens, the current housing supply - for example the number of dwellings per 1,000 inhabitants - the extent to which individuals were free to choose their own dwelling and the possibilities of obtaining financial assistance when such a choice was exercised.

15. Mrs. JIMENEZ BUTRAGUEÑO (Spain), referring to the provisions governing single heads of families who, in her opinion, could include single mothers or fathers, widows or widowers, asked whether the rights of men and women were equal in that connexion or whether women were eligible for greater assistance. With regard to the employment of young people 14 years of age or older during school holidays (E/1980/6/Add.6, p. 7), she noted that such provisions could help to prepare young people for future employment and requested additional information.

(Mrs. Jimenez Butraqueño, Spain)

16. In conclusion, she requested further information on the extended annual leave to which the mothers of three or more children were entitled and asked whether the workloads of such women were lightened in certain establishments.

17. Mr. SAMSON (International Labour Organisation) pointed out that the indications concerning the German Democratic Republic provided by the ILO Committee of Experts were contained on pages 17 to 19 of document E/1981/41. He noted that the German Democratic Republic had ratified the relevant ILO Convention (No. 103) on maternity protection and that maternity allowances were payable to employed women workers, to women members of production co-operatives and to self-employed women. The Labour Code also contained various provisions for the protection of the health and security of employment of employed women workers during pregnancy and after childbirth. The ILO Committee of Experts had considered that additional information would be desirable on any measures taken, under the powers granted to the Council of Ministers by the Labour Code, to apply the protection offered under the Labour Code to women members of production co-operatives.

18. As to the employment of children and young persons, the Committee of Experts had considered that information would be desirable on any measures taken to regulate the work done by children and young persons in production co-operatives and, in general, outside an employment relationship. It had also considered that information would be desirable on the extent and nature of the employment of persons who were permitted to leave school to take up employment before completing the usual period of compulsory education.

19. Miss MANGAZA LUANGHY (Zaire), referring to the last paragraph on page 6 of the report concerning the advancement and protecion of children and youths, requested additional details concerning children born out of wedlock and asked whether they enjoyed the same status as legitimate children.

20. Mr. LÄMMERZAHL (German Democratic Republic), replying to the request from the USSR representative regarding services available to physically and mentally handicapped children, said he wished first of all to stress the importance of the fact that the United Nations had declared 1981 the International Year of Disabled Persons. It had been the stated objective of the German Democratic Republic, from its earliest days, to integrate such people so far as possible into normal life through medical assistance, rehabilitation, social maintenance and other services. There were special groups of handicapped children in crèches and in more than 500 special schools, including preschool facilities. There were more than 31,000 special jobs for rehabilitated handicapped persons. In 1974 the Ministry of Health had established principles for the promotion of children and young people who were unable to pursue a regular educational programme. In 1969, a law had been enacted granting rehabilitated persons, especially the severely handicapped, the right to work. The first executive regulation enacted under the Labour Code in 1951 provided for the integration of the severely disabled. Every plant and office was required to reserve 10 per cent of its jobs for disabled persons. Decrees on compulsory social insurance, pension plans and social maintenance provided material and financial benefits for the disabled. In 1976, an ordinance had been issued for

(Mr. Lämmerzahl, German Democratic Republic)

further improvement of public assistance. Rehabilitation commissions assisted the handicapped during the period of their employment and the Labour Code contained provisions for the protection of their health and occupational safety. In particular, it dealt with the employment of handicapped young persons, vocational training and rehabilitation for handicapped adults and rehabilitation for working people impaired by long illness or serious accidents. There were many special workshops for the handicapped. In general, the efforts to integrate all disabled persons into social life had been quite successful. In the German Democratic Republic, no disabled person had the feeling of being an outsider.

21. With regard to the question from the representative of Bulgaria on the situation with regard to crèches and kindergartens, he said that working and student mothers who had children between the ages of five months and three years could entrust their children to a crèche for care and education. The crèche was the starting-point for the integration of the child into the socialist educational system. It contributed, in close collaboration with the parents, to the upbringing of the children, in order to ensure their healthy and harmonious development. The network of crèches would be expanded in accordance with the national economic plans. In 1980, there has been more than 280,000 places in 6,350 crèches, i.e., 610 places per 1,000 children. A single mother whose children could not be given immediate accommodation in a crèche was guaranteed a special allowance under the obligatory social insurance plan. In the crèches, children were cared for and educated free of charge. The parents contributed up to 1 mark 40 pfennig for lunch in the daily crèches and up to 2 marks in the weekly crèches. Special material needs of the children were cared for. The teachers were well qualified and usually graduates of technical schools. The next step in the educational system was the kindergarten, attended by children between the ages of three and six years. In that age group, more than 900 per 1,000 children were now being placed, by comparison with 1949, when only 173 places per 1,000 children had been available. In 1980, sanatoria had been made available for over 20,000 children between the ages of 3 and 14.

22. The Bulgarian representative had also asked for further data on young people under the Labour Code. Under article 20 of the Constitution, the social and vocational development of young people was especially promoted and they enjoyed every opportunity for participation in the socialist order, in which conditions had been created to enhance their political, intellectual and moral development. The Youth Act provided for the protection of youth, as did the Penal Code, which prescribed punishment for failure to provide sustenance, violations of educational law, inducement to misuse of alcohol and other abuses affecting young persons.

23. Under the Labour Code, employment contracts for young people could only be entered into after age 16; however, the age could be lowered to 14 if a youth had, for some reason such as the decision of a headmaster, permanently left a 10-year polytechnic establishment. Other provisions of the Code which protected young persons were article 210, which provided that young persons could not be employed unless they were first found by a medical practitioner to be physically fit and were examined once a year during the term of employment; article 165,

(Mr. Lämmerzahl, German Democratic Republic)

which provided for a minimum rest period of 13 hours between two shifts for persons under 18 years of age; article 117, which prohibited the employment of persons under the age of 18 between 6 p.m. and 6 a.m.; article 174, which provided that persons between the ages of 16 and 18 could not be ordered to work more than two hours of overtime on any two consecutive days and not more than 60 hours in any one year; and article 175, which provided that those under the age of 16 and apprentices could not work overtime.

24. Referring to the Libyan representative's question regarding the marriageability of legally incapacitated persons, he explained that the prohibition applied to persons with severe mental disturbances. Able persons with legal capacity were allowed to marry. The decision lay with the officer responsible for the registration of marriages.

25. With regard to the Norwegian representative's question concerning the right to an adequate living standard, he recalled that in his introductory remarks on national income, he had mentioned that the success achieved in 1980 had been possible because of a 4.2 per cent increase in the national income in 1980 with respect to 1979. The past 10 years had been very successful for his country, which after 30 years of hard work enjoyed economic growth, stability, full employment and prosperity. Its basic assets were more than 650 billion marks. In 1980, 20.6 per cent of the national income had been devoted to accumulation, 12 per cent of which had been productive accumulation. As a result of the high performance of all workers, the national income in 1977 had already exceeded 155 million marks and had risen in 1978 by a further 4 per cent.

26. The same representative had asked for details regarding the housing programme. The German Democratic Republic attached high priority to that programme and had declared its intention to solve housing problems by 1990. By that time, every family should have a flat of its own, suited to the size and composition of the family. Good results had already been obtained to date. In 1980, the number of dwellings had exceeded 170,000; over 120,000 new buildings had been built, and 50,000 dwellings had been modernized. In the 1990s, rents would be kept low. In 1981, housing conditions for 7 1/2 million people would be improved through modernization. At the present time, there was a waiting period for persons applying for housing and special emphasis was being given to the solution of that problem. His Government attached great importance to the harmonious development of young families. The consistently low rents were evidence of the State's concern with providing subsidized housing, for which a family paid between 4 and 5 per cent of its income. Tenants paid about one third of the actual cost of one square metre of space.

27. On the question whether a free choice of dwelling existed, he replied that everybody had the opportunity to choose his own, although an application was required. He would provide specific figures on the supply of dwellings per 1,000 inhabitants the next time the Working Group took up the report of his country.

(Mr. Lämmerzahl, German Democratic Republic)

28. Replying to the representative of Spain, who had asked about family legislation and the roles of men and women in the family, he said that in the German Democratic Republic, women enjoyed complete equality. The Family Code was based on the fact that marriage and family relations were determined by social realities: the building of socialism had created conditions that were favourable for the harmonious development of the family. Since exploitation had been abolished, women were equal to men in every respect in marriage and family life, which was based on mutual love, respect and confidence. One condition for marriage was that the parties should be at least 18 years old. The couple was allowed to choose either the husband's or the wife's name as the family surname. All matters affecting either or both partners were settled by mutual consent and both played a part in the upbringing of children and the performance of household duties. Both partners were legally able to act on behalf of the children and to represent each other in matters of joint concern. Property was also jointly owned by the partners. The Family Code stipulated that women had the right to work and to participate in public affairs, but neither the husband nor the wife was obliged to take employment; they could decide whether either or both of them wished to work. However, if the wife chose to stay home with the children, she was not at a legal disadvantage.

29. Regarding the Spanish representative's question concerning the possibility of a man having to bring up the children by himself, he said that the man would be in the same position as a woman in terms of the legal system and Labour Code provisions, such as the provision that every working wife had a day in which to do housework.

30. With regard to the queston from the representative of Zaire, he said that the legal position of a child born out of wedlock was exactly the same as that of a child born of a marriage.

31. The CHAIRMAN said that, if he heard no objection, he would take it that the Working Group had concluded its examination of the report of the German Democratic Republic.

32. It was so decided.

33. Mr. Lämmerzahl (German Democratic Republic) withdrew.

34. At the invitation of the Chairman, Mr. Enkhsaikhan (Mongolian People's Republic) took a place at the table.

35. Mr. ENKHSAIKHAN (Mongolian People's Republic) said that Mongolian legislation covered many of the rights embodied in the Covenant; the 1960 Constitution declared the main purpose of socialist construction to be to satisfy to the maximum the steadily growing personal and collective needs of society; equality of rights was guaranteed by article 76.

(Mr. Enkhsaikhan, Mongolian People's Republic)

36. The Constitution guaranteed the right to work and to receive payment in accordance with its quantity and quality, and the right to leisure (with a maximum permissible working day of eight hours and one guaranteed day of rest per week), to maintenance in old age and in the event of disability, sickness or the loss of the family breadwinner, and the right to education. Women were guaranteed equal rights with men in all spheres of life and activity under article 84 of the Constitution, and their entitlement was given substance by the State's promotion of maternal and child welfare, maternity leave, maternity hospitals and other provisions and facilities. The rights guaranteed under the Constitution were set forth in detail in the national Labour Code, Family Code and Health Code.

37. Since the entry into force of the Covenant, the national parliament had adopted a number of acts in furtherance of economic, social and cultural rights, such as the 1978 Public Health Law, changes in pension law extending entitlement to the members of agricultural co-operatives, and income-tax reductions.

38. Turning more specifically to the report, he explained that the Labour Code devoted entire chapters to child and female labour, and that some infringements of women's rights were regarded as penal violations and punishable under the Code. Mongolia had spent more than 150 million tughriks over the past five years on maternity benefits, and there were plans to bring all pregnant women and children under three years of age under full State medical protection and control over the forthcoming five-year period. The first step in that process was scheduled to take place within the year, when medical attention for children under one year of age would be made completely free of charge. Almost 60 per cent of the children of cattle-breeders were already looked after in boarding schools and there were plans to expand the schools until placed were available for 90 per cent.

39. On average, the real income of the population had increased by some 14 per cent over the past five years, with factory and officer workers' salaries increasing by 3.8 per cent, and the wages paid to industrial and construction workers going up by some 8.2 per cent. At the same time, the portion of a factory or office worker's income subject to tax had been cut by nearly 30 per cent and the non-taxable income level had been raised from 300 to 500 tughriks.

40. Over the past five years the State had spent 110 million tughriks on labour protection, with a resultant fall of 15 per cent in the industrial accident rate. State allocations to social insurance over the same period had totalled 700 million tughriks.

41. In agriculture, the policy was to increase output and over the past five years 2.2 billion tughriks had been spent on material and technical improvements in land use, productivity and the quality of produce. The same period had seen 277,000 hectares of virgin land brought under cultivation. Average food production in the Republic was well above the world average for wheat, meat and offal, and milk, and there were plans to increase output further over the period 1981-1985.

(Mr. Enkhsaikhan, Mongolian People's Republic)

42. As the report indicated, providing modern housing for its inhabitants remained one of the country's major social problems; but 740,000 square metres of new housing had become available since 1976, representing a 1.8-fold increase in the housing stock. Further increases were planned for the coming five years.

43. The public health system was one of Mongolia's greatest achievements, and was responsible for marked improvements in medical and health standards. Over six decades, life expectancy had risen from 35 to 65 years, and the country now boasted 107 hospital beds and 22 physicians per 10,000 inhabitants. Over the coming five years the number of medical staff would be increased by between 6,000 and 7,000, and the number of hospital beds by 14 to 16 per cent.

44. Mr. BORCHARD (Federal Republic of Germany) welcomed the statistical information provided by the Mongolian representative, since the report in some cases had lacked the facts and figures necessary to demonstrate that the legal rights proclaimed in Mongolia were actually put into practice.

45. The report indicated that women could take regular annual leave before and after their maternity leave if they wished; he wondered whether the decision rested with the women alone and, if so, whether they normally availed themselves of the opportunity.

46. He wondered also whether the special retirement and leave privileges for women with a large number of children did not act as an inducement to women to have large families. In that same connexion, he asked whether there were plans to extend eligibility for free leave in rest homes to women with only four children or even three children, since three or four children could represent a considerable burden. He also asked whether circumstances might ever require the mother or other members of the family to go out to work, regardless of the number of children to be looked after, following the death of the family breadwinner.

47. Turning to housing, he commented that in view of the very high birth-rate and growing life expectancy, it seemed unlikely that Mongolia's construction efforts would meet the demand for housing in the foreseeable future. Additionally, it must be hard to provide an adequate standard of living and maintain high standards of medical attention for the population at large. He had been interested, therefore, in the food production statistics cited by the Mongolian representative in his introduction: he would be equally interested to know whether there was any correlation between the levels of food production and food consumption within the country, or whether agricultural output was destined for export.

48. Mr. SHAMMA (Jordan) asked if the Government had any plans to provide recreational facilities for children over the summer holidays when they were not at school, and whether there was any legislation prohibiting children from working to learn a trade, without necessarily receiving any wage.

49. Mr. ABDUL AZIZ (Libyan Arab Jamahiriya) asked for further information on the law preventing the exploitation of minors by their employers, particularly in circumstances where the legislation protecting minors from dismissal unless alternative employment was found would otherwise apply.

50. Mr. KORDS (German Democratic Republic) asked what benefits were available under the Mongolian social insurance system. Mongolia had long established cultural and family traditions: he wondered to what extent such traditions affected modern family relationships, and also whether restrictions on eligibility for marriage could be imposed on medical grounds.

51. Mr. SVERRE (Norway) observed that the report, like many others, seemed to pay insufficient attention to that part of Economic and Social Council resolution 1988 (LX) which called on States to report on the difficulties they encountered in putting the Covenant into practice. He asked the Mongolian representative for more information in that respect.

52. He also inquired what relation the number of children attending school bore to the total number of children of school age; and what became of children between the ages at which they were legally permitted to leave school and when they were legally entitled to take up employment.

53. Mrs. JIMENEZ BUTRAGUEÑO (Spain) asked what happened to the children when mothers took annual leave or periods in a rest home to which, under Mongolian legislation, they were entitled. Did the children accompany them on leave?

54. She also asked whether maintenance benefits were payable in the event of a breadwinner's becoming unable to work, or only in the event of his or her death.

55. Mr. SOFINSKY (Union of Soviet Socialist Republics) said that the report and the presentation of it made by the Mongolian representative amply demonstrated that Mongolia was putting its obligations under articles 10 to 12 of the Covenant fully into practice. Mongolia had made enormous progress over an exceptionally short period of time and had social legislation of which any developed country could be proud.

56. He had been a frequent traveller in Mongolia, both on business and as a tourist, and held the country in deep affection. To his mind, it could rival Switzerland in its natural beauty, while the purity of its air and the scope of its leisure and recreational facilities did not seem to enjoy the renown they deserved. He wondered, therefore, whether the Government had any plans to expand the tourist industry.

57. Mongolia also had extensive cultural facilities - museums, galleries, opera houses, theatres, ballet companies - affording every facility a child would need for a complete education. Such facilities were being set up in new cities rising out of what had previously been empty steppes: perhaps the Mongolian representative could inform the Group of the measures taken to protect and preserve the environment as such cities were built.

(Mr. Sofinsky, Union of Soviet Socialist Republics)

58. The report indicated that the maximum working day for manual workers aged between 16 and 18 was seven hours. He asked, accordingly, what the length of a normal working day was.

59. Mr. SAMSON (International Labour Organisation) drew attention to the indications of Mongolia contained in the ILO report (E/1981/41). Since Mongolia had ratified the ILO Maternity Protection Convention, 1952 (No. 103), the ILO Committee of Experts had requested information on the legislation governing the right to maternity leave and the maternity benefits enjoyed by women belonging to agricultural co-operatives, as well as the adoption of measures to establish maternity benefits at a rate equivalent to previous earnings irrespective of the duration of employment.

60. The Committee of Experts had also commented on the desirability of additional information concerning legislation on work by children and young persons in agricultural co-operatives and, more generally, outside an employment relationship. The Committee had raised that latter point in connexion with a number of countries, as one affecting children under the age at which they could legally conclude an employment contract, particularly children working in agriculture with other members of their family. The Committee had also expressed a wish for information on the provisions relating to compulsory education, in view of the link between school attendance and the minimum age for admission to work.

The meeting rose at 1 p.m.

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SESSIONAL WORKING GROUP ON THE IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

SUMMARY RECORD OF THE 9th MEETING

Held at Headquarters, New York,
on Monday, 20 April 1981, at 3 p.m.

Chairman: Mrs. BUTRAGUEÑO (Spain)

later: Mr. JOHNSON (Ecuador)

CONTENTS

Consideration of reports submitted in accordance with Council resolution 1988 (LX) by States Parties to the Covenant concerning rights covered by articles 10-12 (continued)

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The meeting was called to order at 3.05 p.m.

CONSIDERATION OF REPORTS SUBMITTED IN ACCORDANCE WITH COUNCIL RESOLUTION 1988(LX) BY STATES PARTIES TO THE COVENANT CONCERNING RIGHTS COVERED BY ARTICLES 10-12 (continued)

Report of Mongolia (E/1980/6/Add.7) (continued)

1. Mr. ENKHSAIKHAN (Observer for Mongolia) said in response to the questions put by the representative of the Federal Republic of Germany that the expression "if they wish" used in his country's report indicated that women had a legal right to extended leave for the purpose of caring for a child up to the age of six months, if they requested it. Women were entitled to receive a pension on reaching the age of 50, if they had brought up four or more children, as part of the Government's measures to encourage larger families. He noted that Mongolia had a population of 1.6 million and that the territory of the Republic covered 1.6 million square kilometres, giving a population density of only one to the square kilometre. The Government's population policy had already produced fruitful results: in the last 60 years the population had more than doubled. As far as child care was concerned, intensive measures were being taken to expand the number of nurseries and kindergartens so that the rate of increase would keep pace with the 3 per cent annual population increase. In the case of the death of a breadwinner, the dependants of the deceased received allowances and pensions. A minimum allowance of 300 Mongolian tugriks was paid for each child up to the age of 18.

2. While there were no homeless people in Mongolia, not all the people lived in permanent buildings. Owing to the special features of the Mongolian economy, the typical tent dwelling, or yurt, was frequently more appropriate from the point of view of the mobility of families engaged in cattle raising and similar pursuits. City dwellers also used yurts as summer homes. The housing problem was being dealt with in accordance with the special needs of the population. He noted that Mongolia was self-sufficient in meat, grain and dairy products and was also in a position to export them to other countries. Mongolia was first in the world in respect of meat consumption, which was 130 kilograms per person per year.

3. In reply to the representative of Jordan, he said that the Government provided country homes for children where they could spend up to 3 months' summer vacation at nominal cost to parents. Also, children under 16 still attending school full-time were given opportunities to acquire a knowledge of trades. There were special vocational classes in schools, and children were able to visit enterprises twice a week and to see how a particular trade was practised. After completing the seventh form, at age 15 or 16, the children were free either to continue their general education or to attend vocational schools, making use of the knowledge they had previously acquired.

4. In response to the representative of the Libyan Arab Jamahiriya, he said that a special Commission for Minors had been established under the Labour Code. Young persons could be dismissed from their jobs only when the Commission found that it was in their best interest.

(Mr. Enkhsaikhan, Observer, Mongolia)

5. In response to the questions from the representative of the German Democratic Republic, he said that the Family Code placed several legal restrictions on marriage. Both parties must be at least 18 years of age and neither must be legally married to another person. Certain categories of relatives were prohibited from marrying and the parties to a marriage had to be capable of carrying out the rights and duties conferred on them by marriage. The benefits available under the State system of social insurance included allowances for temporary disability, including pregnancy and childbirth, allowances on the birth of a child, allowances for burial expenses in the case of relatives, as well as pensions for old-age disability and loss of the breadwinner. State social insurance funds were also used for holiday homes where treatment was provided for workers and their families. The funds designated for those purposes could not be spent in any other way.

6. In reply to the questions of the representative of Norway, he said that the vastness of Mongolia's territory and the rigorous climate made housing construction work difficult. Transport costs were high and some building could not be done in the winter months. On the question about compulsory school attendance, he said that children were required to go to school until the seventh form. After that they could continue their general education or attend specialized secondary schools.

7. In reply to the representative of Spain, he said that it made no difference whether the breadwinner was a man or a woman; in the event of decease of the breadwinner, the main concern was with the surviving family members.

8. In response to the representative of Bulgaria, he said that the purpose of the special houses for pregnant women provided by agricultural and animal husbandry centres was to ensure that they received constant prenatal care before the confinement because members of the family, required to move to seasonal pasture grounds, might not be available to care for them.

9. In reply to the representative of the USSR, he said that measures were being taken to expand the tourist industry on a planned basis throughout the country. In the north-west, sanitoria had already been built using the medicinal waters of hot and cold springs. The number of tourists from the Soviet Union and other countries was steadily increasing. The Government was also working to preserve the unspoiled environment, and a number of new laws had been passed in the 1970s for environmental protection and the regulation of parks and reservations. In conclusion, he said that the normal length of the working day was 8 hours and that young people from 16 to 18 were not allowed to work more than 7 hours a day.

10. Mr. Johnson (Ecuador) took the Chair.

11. The CHAIRMAN thanked the representative of Mongolia for his replies to the questions put by members of the Working Group. He said that the Committee had thus completed its consideration of the report of the Government of Mongolia (E/1980/6/Add.7).

12. Mr. Enkhsaikhan (Mongolia) withdrew.

Report of Sweden (E/1980/6/Add.8)

13. At the invitation of the Chairman, Mr. Johan Nordenfelt and Ms. May-Britt Carlsson (Sweden) took places at the Committee table.

14. Ms. CARLSSON (Sweden), introducing the second periodic report of Sweden concerning the rights covered by articles 10 to 12 of the International Covenant on Economic, Social and Cultural Rights, said that as the report had been submitted in December 1979 there had been some changes on which she would comment.

15. In connexion with article 10 of the Covenant, certain changes had been made in the arrangements for financial assistance to families with children. A nine-month parental leave which could be shared by both parents had been instituted, at 90 per cent of salary. In addition, a further three months leave with allowance of 37 Swedish crowns per day, could be taken to care for a child. A parent was entitled to be away from his or her work for one and a half years without losing the right to return. Also, the father was entitled to stay at home for 10 days after the birth of child, so that both parents could be present during that period.

16. In the section on Sweden in the report of the International Labour Organisation concerning article 18 of the Covenant (E/1981/41, pp. 31-32), additional information was requested on the measures taken to ensure that work assigned to women during pregnancy and after childbirth was compatible with their state of health. She noted that a woman who was unable to continue her normal work during the latter part of her pregnancy because of the nature of the work was entitled to be transferred to easier work at the same wages.

17. The ILO report also said that additional information would be desirable on revisions to the regulations relating to the employment of young persons in dangerous or unhealthy work and the provisions concerning hours of work of young persons on board ship. In response, she read from recent Swedish legislation regulating the working environment of young people. Since the legislation had come into force, an ordinance on minors at work had also been issued. New regulations combining all the provisions on the employment of minors had been enacted. The list of prohibited jobs had been brought into line with developments in the labour market, and special efforts had been made to simplify exemption procedures. Dangerous jobs were listed in two schedules. The first contained jobs which were prohibited, but for which exemption could be granted; for example, those involving dangerous machinery or substances, some jobs in nursing and health care, and jobs involving the risk of violence. The second, containing jobs which under no circumstances could be given to minors, included some types of underwater work, work involving some carcinogens, and laboratory work in cancer research, among others. Maximum working hours for young persons were 9 hours per day and 45 hours per week. During school holidays, the maximum was 8 hours per day, 40 hours per week. At least 36 hours of continuous rest were required in each week, preferably during the weekend. On school days, young persons could work up to 8 hours per day and 12 hours per week, but they could not work before school.

18. Mr. ABDUL-AZIZ (Libyan Arab Jamahiriya) said that the report reflected the Swedish Government's concern to implement articles 10 through 12 of the Covenant. Modern Swedish family law contained a provision that was virtually unique to Sweden: the one allowing unmarried couples who were living together to receive most of the benefits accorded to married couples. In the light of the fact that article 10 established the family as the fundamental group of society, he wondered whether in the long run that legislation would affect the Swedish family.

19. Mr. BORCHARD (Federal Republic of Germany) said that Sweden's achievement in establishing a social welfare State was well known, but it was impressive to note that there were new legal provisions supplementing the social security system. He wished to know when the revised family law had been introduced and what had been Sweden's experience with it. Had the number of unmarried couples increased? How did the Government monitor claims by unmarried couples that they were living together? Was registration necessary? Were married and unmarried couples treated equally in terms of tax deductions? Could unmarried couples living together divorce? Any further information on the subject would be of great interest.

20. Mr. SVERRE (Norway) said that in many respects, Sweden was exemplary in terms of its arrangements and regulations governing the rights covered in articles 10 through 12 of the Covenant. He would be interested to hear the philosophical justification for the new principle introduced into modern Swedish family law. He also wished to know if unmarried couples could divorce, and if there was a difference in tax deductions for married and unmarried couples. He understood that in Sweden, it was possible for a child to separate from his parents. He wondered what criteria had been applied in the legislation on that matter.

21. Mrs. BUTRAGUEÑA (Spain) said that it would be interesting to know whether statistics showed that divorce was increasing in Sweden or whether people simply did not get married in the first place. She understood that both mothers and fathers had obligatory time off from work both before and after the birth of a child, and that voluntary leave was also available both to the father and the mother. She wondered how long that leave lasted and whether there were statistics indicating how many fathers were taking it.

22. Mr. PAL (India) requested clarification on modern Swedish family law. In particular, he wanted to know whether an unmarried couple had to divorce before they could set up housekeeping with new partners. It was conceivable that, in the absence of regulations governing the dissolution of an unmarried relationship, a technically bigamous situation could arise and lead to an erosion of family life by creating endlessly extended families. He also requested information on the possibility that children could divorce their parents.

23. Mr. SAMSON (International Labour Organisation) said that in its report, the ILO Committee of Experts had reflected Sweden's new ideas and institutions relating to the family by referring to parental, not maternal leave. Swedish legislation viewed the matter from the point of view of leave and benefits for both parents, and the accent was on a family approach to the care of infants. The Covenant, however, was concerned with the protection of mothers (article 10, para. 2),

(Mr. Samson, ILO)

and the Swedish system took account of the mother's special needs. Only the mother could take leave and receive benefits in the period before confinement, and she was entitled to leave and benefits for a specific period after childbirth, whether or not the child was in her care.

24. The ILO Committee of Experts had felt that additional information was needed on measures, including regulations, to ensure that work assigned to women during pregnancy and after childbirth was compatible with their state of health. He understood that working women in the final stages of pregnancy had the right to ask for a transfer to other types of work, and if that was not possible, to take leave with benefits, but the question was whether there were regulations to exclude pregnant women from work which might be especially dangerous to their health or to that of the child.

25. The Committee of Experts had also requested information on work done by children and young persons. At present there was no minimum age for their employment in domestic work, and the question was whether any measures to establish a minimum age were contemplated. Information would also be useful on any further measures taken to restrict work done by children under 13 years of age and to regulate work by children and young persons outside an employment relationship. The Government had stated that it was revising the regulations on the employment of young persons in dangerous or unhealthy work and that consideration was being given to the adoption of regulations on working hours for young persons on board ship. The Committee of Experts would like to receive information on progress made in those matters. It appeared from the statement by the Swedish representative that the revised general regulations on dangerous work prohibited to young persons had already been issued.

26. Mr. NORDENFELT (Sweden), replying to the question on whether unmarried couples could divorce, said that Swedish divorce legislation facilitated divorce between married persons who wished to do so and was aimed primarily at safeguarding the interests of the child. It did not matter whether the parents were actually married or not; their obligations toward the child were the same. As to whether the existence of the institution of marriage and the alternative institution of unmarried couples living together would undermine the family, statistics showed that the total number of married couples had decreased and the total number of divorces had risen, as had the total number of unmarried couples. Swedish law defined as a family situation one where people were living together, whether or not they had children. Thus, the status of marriage in Sweden was unchanged as far as the law was concerned, and the interests of children were protected in the same way.

27. With regard to the question whether couples were required to register as being unmarried and living together, consideration was being given to measures to establish some form of registration. At present, in order to enjoy the social welfare and other benefits, a couple had to make a statement before the competent authority that the two parties were living together and produce evidence that they resided at the same address. A statement also had to be made to the authorities. He had no statistics on whether more unmarried couples were subsequently getting married, but he suspected that they were not.

28. Ms. CARLSSON (Sweden) stressed that while the Swedish Government was very much concerned about protecting children, it also felt that adults should have the right to decide how to arrange their family life. The legislation reflected the way that people were behaving: more and more people wished to be free to make the family arrangements which best suited them.

29. There were some safeguards for children in Swedish divorce laws. If there was a child under 16 years of age, the parents' divorce could not go through until six months had elapsed from the date of application. The legislation envisaging the possibility that a child could "divorce" its parents was aimed at preventing child abuse. Its effect was to provide a child with resources for protection against parents who mistreated him. The legislation also suggested that an ombudsman should be appointed to represent children and that social workers should counsel the family having problems with children.

30. With regard to the protection of working mothers, it was compulsory for a mother to stay home from work for two months before childbirth and one month after. The husband could also stay home to care for both mother and child, although the leave was termed parental leave, i.e., for care of the child. Both parents could, if they chose, take part of their parental leave in shorter working hours over a longer period of time. They also had the right to take unpaid leave. The legislation on parental leave had come into force in 1974 and the proportion of fathers taking parental leave had been 2 per cent for that first year. Today, that figure was 12 per cent, which represented an excellent increase and showed that society was changing.

31. Bigamy was aginst the law in Sweden.

32. The legislation on the working environment applied both to domestic and other types of work, and working hours for young people doing domestic work were the same as for all working minors. There were no special regulations governing the exclusion of pregnant women from work which might be especially dangerous to them, but the regulations on dangerous work were strict, and applied equally to men and women.

33. The CHAIRMAN said that, if he heard no objection, he would take it that the Working Group had completed its consideration of the report by Sweden (E/1980/6/Add.8).

34. Ms. CARLSSON and Mr. NORDENFELT (Sweden) withdrew.

The meeting rose at 4.35 p.m.